

NATURAL RESOURCES COMMISSION

TITLE 312 IAC

2009 DIRECTOR'S ANNUAL REPORT

NATURAL RESOURCES COMMISSION

TITLE 312 IAC

2009 DIRECTOR'S ANNUAL REPORT

Robert E. Carter, Jr.
Secretary, Natural Resources Commission
November 1, 2009

Forwarded to:
Legislative Council
Indiana Economic Development Corporation

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- LSA Document #08-57(F)
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- LSA Document #07-467(F)
- LSA Document #07-449(F)
- LSA Document #07-192(F)
- LSA Document #07-186(F)
- LSA Document #07-184(F)

- LSA Document #06-605(F)
- LSA Document #06-570(F)

(Final Rules filed during 2006 – 2007 Fiscal Year)

- LSA Document #07-146(F)
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- LSA Document #07-140(F)
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- LSA Document #05-344(F)
- LSA Document #05-341(F)

(Final Rules filed during 2005 – 2006 Fiscal Year)

- LSA Document #05-288(F)
- LSA Document #05-248(F)

IC 4-22-2-28.1(k) Responses

IC 4-22-2-28.1(k) Responses

The number of comments, complaints, and questions received by the agency from small businesses during the most recent state fiscal year, categorized by the subject matter of the rules involved.

ARTICLE 1. DEFINITIONS

The definition of “lake” for regulatory purposes within the DNR and the NRC is a subject of frequent questions, arising either specifically through a person seeking the definition or in the context of a regulatory program. My estimate is that questions during the last fiscal year have been asked at least 15-20 times that were answered with citation to the “lake” definition. Complaints are sometimes raised regarding the complexity of waterway regulation in general, but no complaints were directed to the specifics of the definition of “lake” in the rule section. In no instance did the citizen or agency employee asking the question specify the communication was directed to me in my capacity as small business regulatory coordinator.

ARTICLE 3. ADJUDICATORY PROCEEDINGS

- a) Questions regarding filing and service procedures: 76
- b) Questions regarding application of the "Trial Rules" (not typically using that term, but that's what questions amount to): 12
- c) Questions regarding responsibility for identifying affirmative defenses (most often "adverse possession" or "prescriptive easement"): 18
- d) Other questions regarding 312 IAC 3-1: 40.

This rule amendment (312 IAC 3-1-1; 312 IAC 3-1-2; 312 IAC 3-1-8; and 312 IAC 3-1-10.5) was a subject of discussion, during a prehearing conference, on at least four occasions during the past year. The discussions included questions and comments but no complaints. In at least one instance, an attorney subsequently offered that he believed the “mere existence” of the rule contributed to better communications between IDEM and DNR concerning the particulars of the litigation. My assumption is that I was being addressed not as the small business regulatory coordinator, but as the administrative law judge, although I have no way of knowing with certainty.

ARTICLE 5. BOATING ON PUBLIC WATERS OF INDIANA

The small business regulatory coordinator did not receive any comments, questions or concerns from small business are related to this issue. The small business regulatory coordinator reported: “On June 11th 2009, I received a call of concern from a landowner affected by this rule change. Mr. Paul Littlefield was concerned about the excessive erosion being caused on the affected section of Laughery Creek and wanted to know when the rule change would take place. He was very much in support of the rule change. On August 7th 2009, I was forwarded an email from a Mr Frank Cleary who was voicing his displeasure with the rule change. He was concerned about losing the opportunity to wake board on the affected section of Laughery Creek.”

ARTICLE 6.3. WATER WITHDRAWAL CONTRACTS FROM STATE RESERVOIRS

Three requests for guidance were received with regard to the new water supply contract application requirements and application process set forth in this rule. One question was received from an existing contract holder who had received notice by certified mail of a contract request as is specified in the rule, and wondered why.

ARTICLE 9. FISH AND WILDLIFE

Three questions were received from individuals that may operate as a small business with respect to the rule governing the possession and sale of coyotes in 312 IAC 9-3-12. The questions were about legal methods that could be used to take the coyotes, a request for a copy of the fiscal analysis on this rule, and a question about the permits required to possess a coyote throughout the year.

ARTICLE 12. WATER WELL DRILLING AND GROUND WATER

The small business regulatory coordinator received no comments, complaints or questions regarding the “direct push” method of monitoring well installation during the most recent state fiscal year; however, I did receive approximately 10 inquiries regarding the use of thermally enhanced grout for the installation of closed-loop geothermal heat pump wells.

ARTICLE 18. ENTOMOLOGY AND PLANT PATHOLOGY

The SRBC maintains compliance agreement documents with nine small businesses who conduct boat/pier/lift services on Lake Manitou (infested with hydrilla). In August 2008 all compliance agreement documents were updated, sent to the small businesses, and signed by the small businesses indicating they agree to abide by all conditions of the agreement. On July 29, 2009 the SRBC was notified by an aquatic herbicide applicator that hydrilla may be present in two locations in the Evansville area. One location is an irrigation pond located on a plant nursery and retail center. The other location is in a pond on a light industrial/retail development. Populations were subsequently confirmed as hydrilla. On August 12, 2009 the Division of Entomology and Plant Pathology (DEPP) was notified of the situation especially since one population is located on a nursery property. On August 31, 2009 a DEPP inspector visited the nursery property to begin investigating how the hydrilla may have gotten introduced into the pond. Investigation of both populations continues and eradication plans are being developed.

No comments or questions received from small businesses during the reporting period. On August 8, 2009 the SBRC visited a water garden supply store and discovered that they were selling Brazilian elodea. On August 11, 2009 DEPP was notified of the situation. On August 12, 2009 a DEPP inspector was on site to eliminate the supply of plants.

Small businesses contact the division on a regular basis to set up compliance agreements to ensure compliance with the current rule regarding emerald ash borer quarantine. Members of the public contact the division on a regular basis with

questions about the current quarantine and their ability to move regulated materials throughout the state of Indiana. We have received one call from a lumber company called Pike Lumber on July 23, 2008 asking about the change in the quarantine and how it would effect the movement of ash materials through Indiana. We explained that they would be able to move materials as long as they met the requirements of the rule. They seemed very willing to comply.

Our office continues to receive phone calls from the public on a daily basis with questions regarding the quarantine. All questions regard how they will be able to move materials that may be regulated from one part of the state to another. In all cases we are able to either explain that they are in an area of the state that is not quarantined or direct them to a field staff member that is able to draw up a compliance agreement so that a small business or member of the public is able to move their materials in compliance with the rule. To date there are over 170 active Emerald Ash Borer compliance agreements to assist small businesses and members of the public move regulated materials in compliance with the rule.

We have not had any complaints from small businesses in regards to the rule. In fact we find that the majority of small businesses and members of the public appreciate our efforts to establish quarantine if for no other reason than to make them aware of the infested areas and where the insect has moved within Indiana. The majority if not all of the questions we receive from the public are about how they can cooperate with the quarantine to ensure that the actions they take do not further distribute the pest. With this information they are able to determine how far the insect is able to move and educate other members of the public as to the damage the insect can cause.

At this point we are working on a press release to notify the public that the rule has been passed and the quarantine is effective as of October 31, 2008. Each time a press release is issued we do receive plenty of calls with questions- so we will probably receive more calls from small businesses in the near future.

The number of complaints or questions reported that were resolved to the satisfaction of the agency and the small businesses involved.

ARTICLE 3. ADJUDICATORY PROCEEDINGS

All questions reported were resolved to the satisfaction of the agency and the small businesses involved.

ARTICLE 6.3. WATER WITHDRAWAL CONTRACTS FROM STATE RESERVOIRS

All four questions were resolved to the satisfaction of the agency and the individual or small business involved.

ARTICLE 9. FISH AND WILDLIFE

All questions were resolved to the satisfaction of the agency and the individual or small business involved.

ARTICLE 18. ENTOMOLOGY AND PLANT PATHOLOGY

Compliance agreement documents were completed and approved for 9 small businesses doing work on Lake Manitou. There was one violation of a compliance agreement that had to be resolved by the SRBC and a Conservation Officer in July 2009. Plans are still being developed to eradicate hydrilla from the two ponds in Evansville. In addition, requirements and restrictions are being developed to assure that hydrilla does not get spread from these locations. These two populations have not yet been resolved to the satisfaction of the agency.

The water garden nursery found to still be selling Brazilian elodea was inspected thoroughly by a DEPP inspector and all Brazilian elodea plants found were removed from the premises. DEPP inspector will conduct a follow up inspection in the near future to further confirm that all plants were successfully found and removed.

All questions regarding emerald ash borer quarantine standards were answered to the satisfaction of the agency and small businesses or members of the public in a timely manner.

The total number of staff serving as coordinators under this section during the most recent state fiscal year

There were nineteen (19) staff members serving as coordinators for a total of forty-six (46) rules under IC 4-22-2-28.1 during the State fiscal year 2008-2009.

The agency's costs in complying with this section during the most recent state fiscal year

Total cost reported by the small business regulatory coordinators in the fiscal year 2008–2009 is \$6,607.36.

The projected budget required by the agency to comply with this section during the current state fiscal year

The projected budget required by the agency to comply with this section during the current 2009-2010 state fiscal year is \$6701.16.

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LSA Document #09-156(F)

(Administrative Cause Number 09-002M)

Filed with the Publisher: May 26, 2009, 11:21 a.m.

Small Business Regulatory Coordinator

Arlene Phillips, Department of Natural Resources, Division of State , Museums and Historic Sites, 650 West Washington Street, Indianapolis, Indiana 46204, (317) 233-9402, aphillips@dnr.in.gov

Document History

LSA Document #09-156(F)

Intent to Readopt Rules: [20090304-IR-312090156RNA](#)

Filed with Publisher: May 26, 2009, 11:21 a.m.

SMALL BUSINESS REGULATORY COORDINATOR RECORD

The Small Business Regulatory Coordinator did not file a report subject to IC 4-22-2-28.1(j).

NATURAL RESOURCES COMMISSION MEETING

The Natural Resources gave final adoption to LSA Document #09-156(F) at its May 19, 2009 meeting. No public comments were received at this meeting.

Excerpt from Hearing Officer Report dated April 6, 2009:

...

C. NOTICE OF INTENT TO READOPT AND RECOMMENDATION FOR FINAL ACTION

On March 4, 2009, a “Notice of Intent to Readopt” 312 IAC 24 was posted to the *Indiana Register* at 20090304-IR-312090156RNA as anticipated by Ind. Code § 4-22-2.5-2 and Ind. Code § 4-22-2.5-4. The notice indicated the intention to readopt the entirety of 312 IAC 24 without changes. The notice also provided that a person had 30 days to submit a written request to the Natural Resources Commission, through the Small Business Regulatory Coordinator, seeking to have a particular section of the rule readopted separately. If such a request had been made, the Commission would have been required to complete the full rule adoption process for the section requested to be readopted separately.

In this instance, no written request has been received. The Commission may either submit the rule for filing with the Publisher under Ind. Code § 4-22-2-35 or elect the procedure for readoption under Ind. Code § 4-22-2. It is recommended that the Commission approve for readoption 312 IAC 24, without amendment, for subsequent filing with the Publisher.

...

TITLE 312 NATURAL RESOURCES COMMISSION

Readopted Final Rule LSA Document #09-156(F)

DIGEST

Readopts rules in anticipation of [IC 4-22-2.5-2](#), providing that an administrative rule adopted under [IC 4-22-2](#) expires January 1 of the seventh year after the year in which the rule takes effect unless the rule contains an earlier expiration date. Effective 30 days after filing with the Publisher.

312 IAC 24

SECTION 1. UNDER [IC 4-22-2.5-4](#), THE FOLLOWING ARE READOPTED:

[312 IAC 24](#) STATE MUSEUMS AND HISTORIC SITES

LSA Document #09-155(F)

(Administrative Cause Number 09-004F)

Filed with the Publisher: May 26, 2009, 11:21 a.m.

Small Business Regulatory Coordinator

Brenda Huter, Department of Natural Resources, Division of Forestry, Indiana
Government Center South, 402 West Washington Street, Room W296, Indianapolis, IN
46204, (317) 232-0142, dhuter@dnr.in.gov

Document History

LSA Document #09-155(F)

Intent to Readopt Rules: [20090304-IR-312090155RNA](#)

Filed with Publisher: May 26, 2009, 11:21 a.m.

SMALL BUSINESS REGULATORY COORDINATOR RECORD

The Small Business Regulatory Coordinator did not file a report subject to IC 4-22-2-28.1(j).

NATURAL RESOURCES COMMISSION MEETING

The Natural Resources gave final adoption to LSA Document #09-155)F) at its May 19, 2009 meeting. No public comments were received at this meeting.

Excerpt from Hearing Officer Report dated April 6, 2009:

...

C. NOTICE OF INTENT TO READOPT AND RECOMMENDATION FOR FINAL ACTION

On March 4, 2009, a “Notice of Intent to Readopt” 312 IAC 15 was posted to the *Indiana Register* at 20090128-IR-312090061RNA as anticipated by Ind. Code § 4-22-2.5-2 and Ind. Code § 4-22-2.5-4. The notice indicated the intention to readopt the entirety of 312 IAC 15 without changes. The notice also provided that a person had 30 days to submit a written request to the Natural Resources Commission, through the Small Business Regulatory Coordinator, seeking to have a particular section of the rule readopted separately. If such a request had been made, the Commission would have been required to complete the full rule adoption process for the section requested to be readopted separately.

In this instance, no written request has been received. The Commission may either submit the rule for filing with the Publisher under Ind. Code § 4-22-2-35 or elect the procedure for readoption under Ind. Code § 4-22-2. It is recommended that the Commission approve for readoption 312 IAC 15, without amendment, for subsequent filing with the Publisher.

...

TITLE 312 NATURAL RESOURCES COMMISSION

Readopted Final Rule LSA Document #09-155(F)

DIGEST

Readopts rules in anticipation of [IC 4-22-2.5-2](#), providing that an administrative rule adopted under [IC 4-22-2](#) expires January 1 of the seventh year after the year in which the rule takes effect unless the rule contains an earlier expiration date. Effective 30 days after filing with the Publisher.

312 IAC 15

SECTION 1. UNDER [IC 4-22-2.5-4](#), THE FOLLOWING ARE READOPTED:

[312 IAC 15](#) TIMBER MANAGEMENT

LSA Document #09-154(F)

(Administrative Cause Number 09-003F)

Filed with the Publisher: May 26, 2009, 11:21 a.m.

Small Business Regulatory Coordinator

Duane McCoy, Department of Natural Resources, Division of Forestry, Indiana
Government Center South, 402 West Washington Street, Room W296, Indianapolis, IN
46204, (317) 232-4112, dmccoy@dnr.in.gov

Document History

LSA Document #09-154(F)

Intent to Readopt Rules: 20090304-IR-312090154RNA

Filed with Publisher: May 26, 2009, 11:21 a.m.

SMALL BUSINESS REGULATORY COORDINATOR RECORD

The Small Business Regulatory Coordinator did not file a report subject to IC 4-22-2-28.1(j).

NATURAL RESOURCES COMMISSION MEETING

The Natural Resources gave final adoption to LSA Document #09-154(F) at its May19, 2009 meeting. No public comments were received at this meeting.

Excerpt from Hearing Officer Report dated April 6, 2009:

...

C. NOTICE OF INTENT TO READOPT AND RECOMMENDATION FOR FINAL ACTION

On March 4, 2009, a “Notice of Intent to Readopt” 312 IAC 14 was posted to the *Indiana Register* at 20090304-IR-312090154RNA as anticipated by Ind. Code § 4-22-2.5-2 and Ind. Code § 4-22-2.5-4. The notice indicated the intention to readopt the entirety of 312 IAC 14 without changes. The notice also provided that a person had 30 days to submit a written request to the Natural Resources Commission, through the Small Business Regulatory Coordinator, seeking to have a particular section of the rule readopted separately. If such a request had been made, the Commission would have been required to complete the full rule adoption process for the section requested to be readopted separately.

In this instance, no written request has been received. The Commission may either submit the rule for filing with the Publisher under Ind. Code § 4-22-2-35 or elect the procedure for readoption under Ind. Code § 4-22-2. It is recommended that the Commission approve for readoption 312 IAC 14, without amendment, for subsequent filing with the Publisher.

...

TITLE 312 NATURAL RESOURCES COMMISSION

Readopted Final Rule LSA Document #09-154(F)

DIGEST

Readopts rules in anticipation of IC 4-22-2.5-2, providing that an administrative rule adopted under IC 4-22-2 expires January 1 of the seventh year after the year in which the rule takes effect unless the rule contains an earlier expiration date. Effective 30 days after filing with the Publisher.

312 IAC 14

SECTION 1. UNDER IC 4-22-2.5-4, THE FOLLOWING ARE READOPTED:

312 IAC 14 TIMBER BUYERS, THEIR AGENTS, AND TIMBER GROWERS

LSA Document #09-153(F)

(Administrative Cause Number 09-005T)

Filed with the Publisher: May 26, 2009

Small Business Regulatory Coordinator

Dale Brier, Department of Natural Resources, Division of Outdoor Recreation, Indiana Government Center South, 402 West Washington Street, Room W271, Indianapolis, IN 46204, (317) 232-4072, dbrier@dnr.in.gov

Document History

LSA Document #09-153(F)

Intent to Readopt Rules: 20090304-IR-312090153RNA

Filed with Publisher: May 26, 2009, 11:20 a.m.

SMALL BUSINESS REGULATORY COORDINATOR RECORD

The Small Business Regulatory Coordinator did not file a report subject to IC 4-22-2-28.1(j).

NATURAL RESOURCES COMMISSION MEETING

The Natural Resources gave final adoption to LSA Document #09-153(F) meeting. No public comments were received at this meeting.

Excerpt from Hearing Officer Report dated April 9, 2009:

...

C. NOTICE OF INTENT TO READOPT AND RECOMMENDATION FOR FINAL ACTION

On March 4, 2009, a “Notice of Intent to Readopt” 312 IAC 7 was posted to the *Indiana Register* at 20090304-IR-312090153RNA as anticipated by Ind. Code § 4-22-2.5-2 and Ind. Code § 4-22-2.5-4. The notice indicated the intention to readopt the entirety of 312 IAC 7 without changes. The notice also provided that a person had 30 days to submit a written request to the Natural Resources Commission, through the Small Business Regulatory Coordinator, seeking to have a particular section of the rule readopted separately. If such a request had been made, the Commission would have been required to complete the full rule adoption process for the section requested to be readopted separately.

In this instance, no written request has been received. The Commission may either submit the rule for filing with the Publisher under Ind. Code § 4-22-2-35 or elect the procedure for readoption under Ind. Code § 4-22-2. It is recommended that the Commission approve for readoption 312 IAC 7, without amendment, for subsequent filing with the Publisher.

...

TITLE 312 NATURAL RESOURCES COMMISSION

Readopted Final Rule LSA Document #09-153(F)

DIGEST

Readopts rules in anticipation of IC 4-22-2.5-2, providing that an administrative rule adopted under IC 4-22-2 expires January 1 of the seventh year after the year in which the rule takes effect unless the rule contains an earlier expiration date. Effective 30 days after filing with the Publisher.

312 IAC 7

SECTION 1. UNDER IC 4-22-2.5-4, THE FOLLOWING ARE READOPTED:

312 IAC 7 TRAILS AND SCENIC RIVERS

LSA Document #09-153(F)

Intent to Readopt Rules: 20090304-IR-312090153RNA

Filed with Publisher: May 26, 2009, 11:20 a.m.

LSA Document #08-775(F)

(Administrative Cause Number 07-216L)

Filed with the Publisher: June 16, 2009, 2:38 p.m.

Small Business Regulatory Coordinator

Major Felix Hensley, State Boating Law Administrator, Department of Natural Resources, Division of Law Enforcement, 402 West Washington Street, Room W255-D, Indianapolis, Indiana 46204, (317) 233-3847, fhensley@dnr.in.gov

Document History

LSA Document #08-775(F)

Notice of Intent: 20081015-IR-312080775NIA

Proposed Rule: 20090311-IR-312080775PRA

Hearing Held: April 3, 2009

Approved by Attorney General: June 3, 2009

Approved by Governor: June 16, 2009

Filed with Publisher: June 16, 2009, 2:38 p.m.

Documents Incorporated by Reference: None Received by Publisher

SMALL BUSINESS REGULATORY COORDINATOR RECORD

On June 17, 2009, the Small Business Regulatory Coordinator, Maj. Felix Hensley, filed the following:

I received a call on June 11th from a Mr. Littlefield who is a landowner in the same area as Mr. Sefton. He voiced concern about the high speed boating and wake boarding and is very much in favor of our recommendation.

NATURAL RESOURCES COMMISSION MEETING

The Natural Resources gave final adoption to LSA Document #08-775(F) at its May 19, 2009 meeting. Public comments were received at this meeting as follows:

...

Chairman Poynter then recognized Brian Cleary. Cleary said he was representing himself and several citizens, boaters and recreational users of Laughery Creek. He explained that it came to their attention that “this was up for rule change last fall” through a conservation officer on the creek. Cleary said he contacted Lieutenant Stoll to learn when the public hearing was. Cleary said he was advised to read the local papers, but he unable to find the notice in the Rising Sun RECORDER. “That’s why nobody showed up” for the public hearing. Through additional contact with Lt. Stoll’s office, Cleary said they “put me in touch with Sandra.”

Cleary said he and the individuals who signed the petitions are opposed to the rule changes. He apologized for forgetting his camera with pictures showing that the erosion complained of by Sefton was no different than erosion occurring in other parts of the creek. Cleary expressed said the erosion is caused by flooding and is not the result of high speed boat traffic. He said that he and other boaters who use Laughery Creek coordinate with landowners to remove debris and “put stuff up on the shorelines” and “help guys work on their docks.” We also “clean up garbage, remove trees” and other things that might be in the waterway. Cleary said he had talked to many people at the marina, at the local boat ramps, and on the creek who had signed the petition in opposition to the adoption of this rule. “Of all the people we talked to, two people said they were in favor of the change. Both of them mentioned that they had pontoon boats and didn’t like waves in general....”

...

Excerpt from Hearing Officer Report dated April 28, 2009:

...

2. REPORT OF PUBLIC HEARING AND COMMENTS

a) Public Hearing Comments

A public hearing was scheduled for April 3, 2009 at 11:00 a.m. at the Ohio County Emergency Services Building, 121 High Street, Rising Sun, Indiana. Jennifer Kane attended on behalf of the assigned hearing officer. No member of the public appeared to offer comments.

b) Comments Received Outside Public Hearing

No comments have been received from the public.

...

TITLE 312 NATURAL RESOURCES COMMISSION

Final Rule

LSA Document #08-775(F)

DIGEST

Amends 312 IAC 5-7-10 to establish a revised idle zone on Laughery Creek in Dearborn and Ohio counties. Effective 30 days after filing with the Publisher.

312 IAC 5-7-10

SECTION 1. 312 IAC 5-7-10 IS AMENDED TO READ AS FOLLOWS:

312 IAC 5-7-10 Ohio River embayments and tributaries; Laughery Creek in Dearborn County and Ohio County; watercraft speed zones

Authority: IC 14-10-2-4; IC 14-15-7-3; IC 14-29-1-8

Affected: IC 14

Sec. 10. A person must not operate a watercraft in excess of idle speed on Laughery Creek in Dearborn County and Ohio County within ~~either of the following zones: zone~~
(1) ~~beginning at Old State Road 56 then downstream to the confluence of the Ohio River and Laughery Creek and continuing upstream for a distance of~~
(2) ~~beginning sixteen thousand five hundred (16,500) feet upstream of the confluence of the Ohio River and Laughery Creek then downstream to the western boundary of section 9, township 4 north, range 1 west.~~
to a point at UTM Northing 43203227 and UTM Easting 680037.
(Natural Resources Commission; 312 IAC 5-7-10; filed Mar 23, 2001, 2:50 p.m.: 24 IR 2376, eff Jan 1, 2002; readopted filed May 29, 2008, 1:53 p.m.: 20080625-IR-312080057RFA; filed Jun 16, 2009, 2:38 p.m.: 20090715-IR-312080775FRA)

LSA Document #08-756(F)

(Administrative Cause Number 08-066D)

Filed with the Publisher: June 16, 2009, 2:40 p.m.

Small Business Regulatory Coordinator

Tom Flatt, Aquatic Habitat Coordinator, Department of Natural Resources, Division of Fish and Wildlife, 402 West Washington Street, Room W273, Indianapolis, IN 46204, (317) 232-4093, tflatt@dnr.in.gov

Document History

LSA Document #08-756(F)

Notice of Intent: 20081001-IR-312080756NIA

Proposed Rule: 20090204-IR-312080756PRA

Hearing Held: March 5, 2009

Approved by Attorney General: June 2, 2009

Approved by Governor: June 16, 2009

Filed with Publisher: June 16, 2009, 2:40 p.m.

Documents Incorporated by Reference: None Received by Publisher

SMALL BUSINESS REGULATORY COORDINATOR RECORD

A report was not filed by the Small Business Regulatory Coordinator.

NATURAL RESOURCES COMMISSION MEETING

The Natural Resources gave final adoption to LSA Document #08-756 (F) at its May 19, 2009 meeting. No public comments were received at this meeting.

Excerpt from Hearing Officer Report dated April 13, 2009:

...

2. [REPORT OF PUBLIC HEARING]

The public hearing was convened as scheduled in the Rochester Public Library, 320 West 7th Street, Rochester, on March 5, 2009 to consider proposed 312 IAC 5-6-5.6. Stephen Lucas served as the Hearing Officer for the Natural Resources Commission, welcomed those in attendance, and outlined the rule adoption process. He introduced Tom Flatt, Aquatic Habitat Coordinator for the Division of Fish and Wildlife, Department of Natural Resources. Flatt provided a history of the rules (both permanent and temporary) for special boating restrictions within “the Prairie” in Lake Manitou and the justifications for them. He reflected that the DNR had originally hoped to perform site restoration, but funding limitations and the size of the Prairie made doing so unlikely. Flatt said the hope was that natural recovery would occur as a consequence of the boating restrictions provided in the rule. Eel grass and even non-emergent species helped stabilize the sediments in the lake bed and were supportive of aquatic animal species. An opportunity was provided to ask procedural questions and questions concerning the substance of the rule proposal. The following comments were received from the public:

Orv Huffman, former President of the Lake Manitou Association said he was “glad to see we’re to the point we can make permanent the law” to protect the Prairie. He said arrangements had been made for the Association to place and to remove the marker buoys which would identify the border of the boating zone.

Hon. Mark Smiley, Mayor of Rochester, said the protection for the rule proposal was “a good thing to keep the Prairie for wildlife and fish habitat and for the enjoyment of the people.” He said he believed there were enough active members of the Lake Manitou Association to accomplish placement and removal of the buoys that would mark the zone. Mayor Smiley said the waters within the Prairie were “too shallow” for high-speed boating, and this limitation was well-understood within the community. Referring to the rule, he stated “I’m all in favor of it.”

Ray Dausman of Rochester stated regarding the rule proposal, “I’m all for it. I think it should be continued.” Dausman then asked Tom Flatt to provide additional perspectives regarding the expenses which would be associated with restoration of the Prairie vegetation. Flatt responded the reintroduction of bull rush would cost \$25 per plant, and plantings needed to be made two-to-three feet apart. Plantings needed to be stabilized, and doing so required additional labor and additional cost. For a site that includes 43 acres, “it becomes expensive real quick.” Dausman asked that, if the Lake Manitou Association would work out a plan to perform plantings, “would the DNR help out?” Flatt responded the agency would assist.

Karen Ewen of Rochester said, “I have the same thoughts as those who have spoken.” The proposed rule for the protection of the Prairie is a “very positive thing for the lake, and I want to see it happen.”

Hon. Jason Grube, Member of the Rochester City Council, said he “would be disheartened if the Prairie just came back to eel grass.” Lake Manitou would be better served by a diversification of aquatic plant life. He said there was already a great quantity of eel grass in the lake. Grube urged the DNR to work with local citizens to reintroduce “bull rush and other species” to selected sites within the Prairie.

Phyllis Dausmann of Rochester added her support for the rule proposal. “I’m in favor of it becoming a permanent law.”

Walt Talbott of Rochester observed that with sedimentation, all of the Prairie would be dry land within 250 years. He said he also had several questions for Tom Flatt. Talbott said he had been told the DNR used an excessive dosage of herbicide to kill Hydrilla within Lake Manitou. Flatt responded that the dosage was within appropriate parameters, although he acknowledged the herbicide was more damaging to native plant species than anticipated. Given the very serious consequences for an uncontrolled infestation of Hydrilla, the primary goal was its eradication. “We erred on the side of too much not on the side of too little, but we were still within parameters.” In response to a question as to the potential adverse effects to the Tippecanoe River, Flatt said there should be none. He reflected that some herbicide might enter the outlet from Lake Manitou, and with the possibility of Hydrilla in the outlet, that was probably a good thing. But the herbicide becomes dilute and breaks down quickly so no harm should come to the Tippecanoe River.

3. OTHER COMMENTS

On February 4, 2009, a person by the name of “Shane” submitted a comment on the proposed rule by email to nrcrules@nrc.in.gov. The Commission’s nonrule policy document, Information Bulletin #55, clarifies that citizens must identify themselves when filing comments in order for those comments to be included in a report or to be considered by a hearing officer in an analysis. A request for the commenter’s full name, pursuant to the nonrule policy document, could not be made since the commenter did not provide any contact information. Shane’s comment is not included or considered in this report.

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TITLE 312 NATURAL RESOURCES COMMISSION

Final Rule

LSA Document #08-756(F)

DIGEST

Adds 312 IAC 5-6-5.6 to establish a boating protected zone in an area known as the "prairie" in Lake Manitou, Fulton County. Effective 30 days after filing with the Publisher.

312 IAC 5-6-5.6

SECTION 1. 312 IAC 5-6-5.6 IS ADDED TO READ AS FOLLOWS:

312 IAC 5-6-5.6 Lake Manitou; special boating zones

Authority: IC 14-10-2-4; IC 14-15-7-3

Affected: IC 14; IC 32-19-1-1

Sec. 5.6. (a) This section establishes restrictions on the operation of boats on Lake Manitou in Fulton County.

(b) Except as provided in subsection (c), a person must not operate a boat in an area commonly known as the Prairie, which is enclosed by a line of buoys placed as follows:

- (1) SPC 2114199 (UTM 4544799) north and SPC 185587 (UTM 568631) east.**
- (2) SPC 2114362 (UTM 4544844) north and SPC 184604 (UTM 568331) east.**
- (3) SPC 2114620 (UTM 4544921) north and SPC 184241 (UTM 568219) east.**
- (4) SPC 2115391 (UTM 4545156) north and SPC 184259 (UTM 568221) east.**
- (5) SPC 2115871 (UTM 4545305) north and SPC 184900 (UTM 568414) east.**
- (6) SPC 2115720 (UTM 4545262) north and SPC 185534 (UTM 568608) east.**
- (7) SPC 2114303 (UTM 4544831) north and SPC 185670 (UTM 568656) east.**

(c) A person is exempted from subsection (b) if each of the following requirements is satisfied:

- (1) The boat is not a motorboat or is a motorboat that has the motor turned off.**
- (2) The boat is not operated in excess of idle speed.**
- (3) The boat is not anchored.**

(Natural Resources Commission, 312 IAC 5-6-5.6; filed Jun 16, 2009, 2:40 p.m.: 20090715-IR-312080756FRA)

LSA Document #08-740(F)

(Administrative Cause Number 08-122D)

Filed with the Publisher: April 3, 2009, 1:48 p.m.

Small Business Regulatory Coordinator

Linnea Petercheff, Staff Specialist, Division of Fish and Wildlife, Department of Natural Resources, 402 W. Washington Street, Room W273, Indianapolis, Indiana 46204, (317) 233-6527, lpetercheff@dnr.in.gov

Document History

LSA Document #08-740(F)

Notice of Intent: [20080924-IR-312080740NIA](#)

Proposed Rule: [20081217-IR-312080740PRA](#)

Hearing Held: January 20, 2009

Approved by Attorney General: April 1, 2009

Approved by Governor: April 3, 2009

Filed with Publisher: April 3, 2009, 1:48 p.m.

Documents Incorporated by Reference: None Received by Publisher

SMALL BUSINESS REGULATORY COORDINATOR RECORD

On May 26, 2009, the Small Business Regulatory Coordinator, Linnea Petercheff, filed the following:

One question was received from an individual that may operate as a small business with respect to the proposed rule that would have allowed the sale and possession of parts of wild turkeys in 312 IAC 9-2-3. The question was about the status of this rule change, and I informed her that those changes were removed from the package and not give final adoption so they are not law.

There were no questions received about the rule changes pertaining to the hunting of wild turkeys in 312 IAC 9-4-11.

NATURAL RESOURCES COMMISSION MEETING

The Natural Resources gave final adoption to LSA Document #08-740(F) at its March 17, 2009 meeting. No public comments were received at this meeting.

Excerpt from Hearing Officer Report dated February 9, 2009:

...

Comments Received Outside Public Hearing

Jack Corpuz, Indianapolis, IN, (Pheasants Forever) wrote by email on November 18, 2008
Fully support this proposal.

Corpuz again wrote by email on January 13, 2009
Highly approve of this proposal.

Doug Allman, Indianapolis, IN wrote by email on January 6, 2009

The DNR has proposed changes that will allow individuals, including licensed taxidermists, to sell the heads, feet and skin of wild turkeys (312 IAC 9-2-3). The Association of Indiana Taxidermists requested the change to allow taxidermists to purchase the heads of wild turkeys to use for specimens that they are mounting for customers. By allowing their sale, taxidermists can purchase heads from hunters and other sources legally.

I fail to understand why the DNR is creating a market for Wildlife parts which flies in the face of North American Wildlife model. Unfortunately we have already allowed the sale of other species such as deer antlers and such. If a taxidermist needs feathers, heads, and feet, I believe there are many a willing sportsmen that would donate their turkeys parts free of charge. I know I would, as I regularly throw these things away. Why is there a problem mounting the bird that it brought in. Don't shoot the thing up and take care of it after you kill it. I would like a nice male wood duck on my wall unfortunately the best ones with full plumage that I have killed have either been shot up or mauled by a dog. Too bad for me. I sure don't want somebody else's wood duck on my wall that a taxidermist bought. If anything should be done to change the rules it should be to eliminate the sale of other wildlife parts. I have donated deer capes to my local taxidermist in the past as well as turkey feather to those who make their own traditional arrows. The DNR doesn't need to do this and it's moving in the wrong direction. If a taxidermist went online and asked for some part to be donated he or she would have all that they needed. It's not going to amount to that much money changing hands. It just wrong to start. What happens down the road when you issue control permits for turkeys and some people start offering money for heads or feet. There are many things down the road that could come into play with this change done for the sake of a few.

Does everything have to be about money? Once again the DNR is sending the wrong message about the value and ownership of wildlife. Short sided thinking and the inability to say no when money gets involved.

David F. Delaney, Marion County, Indiana wrote by email on January 7, 2009

I would like to comment on the proposed change which would allow the selling of wild turkey heads, feet and other parts. This is beyond foolish. History has clearly shown that legalizing the selling of wild animals and birds, either whole or parts thereof, has created significant issues and has in some circumstances helped to create significant adverse effects on the wildlife. There is no compelling economic benefit from allowing the sale of animal or bird parts. Taxidermists, whom my wife was one for many years here in Indianapolis, can find plenty of individuals who will provide them turkey heads for free to utilize in the process of their taxidermy work. Any such change will create a situation that will incentivize individuals to poach for the sole purpose of financial gain. There is not enough law enforcement officers in the field now and with the State of Indiana financial issues it is likely governmental agency funding will be cut, thus creating even further insufficient law enforcement in the field.

Lastly, this will open up "Pandora's Box" with future suggestions of selling parts of all wildlife. This is wrong and is something that should be denied without further consideration. Please do not approve this proposal for the special interest of a few. Indiana's wildlife is not for sale, even individual body parts.

Joe Bacon, Indianapolis, Indiana wrote by email on January 16, 2009

I do not believe any portion of a wild turkey should be sold for cash. Turkey heads in plastic are easily purchased and preferred by many taxidermists as well as hunters. Selling feathers, legs or any other body parts should also remain illegal. If a hunter should wish to donate parts that should be allowed with only a name attached to the parts to show it was a legal kill if a question arises. Our Wildlife program in the US was built on "our wildlife is not for sale for commercial purposes", by making "parts" available for sale we are going against that vision. Hunters could sell parts of wildlife to recoup license fees or travel expenses.

The sale of deer capes as allowed today is different, deer hides are utilized in the fur market. I have never agreed with the sale of deer antlers, but that rule was allowed and it seems we never go back and revisit a rule established.

My final point would be, there is already a "means" for taxidermists to acquire real turkey parts. I give them the "parts" and in return my next piece of business with them is at a reduced price. I have donated deer capes to my taxidermist in the past as well as turkey parts and received a discount on the next mount. No money changed hands

Bobby Hardwick, Martin, Indiana, wrote by email on January 23, 2009

Agree with all proposed changes

John R. Goss, Executive Director, Indiana Wildlife Federation, Zionsville, Indiana, wrote by email on January 26, 2009

On January 24, 2009 the Fish and Wildlife Conservation Council met at Fort Harrison for the regular quarterly meeting. In the afternoon, the organizations continued the discussion of legislation and DNR policies.

The proposed rule authorizing the sale of turkey feet, heads, feathers, etc. was discussed and there was agreement by all of the member organizations that some changes to the rule should be made. It was unanimously determined that the sale of turkey parts is in conflict with the North American model for wildlife management.

There was also complete agreement that the gift or exchange of turkey body parts should be legal in Indiana. The problem is placing dollar values and selling parts that we all find objectionable. Taxidermists should be allowed to collect and preserve body turkey body parts for use in the future for mounts. It was suggested that barter or trading services with hunters who have excess turkey parts should be sufficient to supply the parts needed for future projects.

Due to the deadline for the comment period on this rule, I will not have time to have all the representatives of the 19 hunting, trapping and fishing groups present to sign on to this communication. I believe that I have captured the points that the groups wished to express to the Natural Resources Commission.

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TITLE 312 NATURAL RESOURCES COMMISSION

Final Rule LSA Document #08-740(F)

DIGEST

Amends [312 IAC 9-4-11](#), which governs the taking of wild turkeys, to clarify license and hunting requirements. Effective 30 days after filing with the Publisher.

312 IAC 9-4-11

SECTION 1. [312 IAC 9-4-11](#) IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-4-11 Wild turkeys

Authority: [IC 14-10-2-4](#); [IC 14-22-2-6](#)

Affected: [IC 14-22-11](#); [IC 14-22-12](#); [IC 35-47-2](#)

Sec. 11. (a) Except as provided in subsection (c), the spring season for hunting and possessing wild turkeys:

- (1) is from the first Wednesday after April 20; and
- (2) continues for an additional eighteen (18) consecutive days.

(b) The fall season for hunting and possessing wild turkeys with a bow and arrows:

- (1) is from October 1 to the end of the fall turkey season with firearms, which begins on the first Wednesday after October 14; and
- (2) continues for an additional four (4) consecutive days;
except as provided in subsection (c).

(c) The spring and fall seasons for hunting and possessing wild turkeys on Camp Atterbury shall be determined by the director on an annual basis to prevent interference with military training exercises.

(d) The limit for taking and possessing is one (1):

- (1) bearded or male wild turkey during the spring season; and
- (2) wild turkey of either sex during the fall season.

(e) A person must not do the following:

- (1) Hunt wild turkeys except between one-half (1/2) hour before sunrise and sunset.
- (2) Take a wild turkey except with the use of one (1) of the following:
 - (A) A shotgun or muzzleloading shotgun:
 - (i) not smaller than 20 gauge; and
 - (ii) not larger than 10 gauge;
loaded only with shot of size 4, 5, 6, 7, or 7½.
 - (B) A bow and arrows, including crossbows as defined in [312 IAC 9-3-4\(g\)](#), with the following restrictions:
 - (i) A person must not use a:
 - (AA) long bow; or
 - (BB) compound bow;
of less than thirty-five (35) pounds pull.
 - (ii) Arrows must be equipped with metal or metal-edged (or flint, chert, or obsidian napped) broadheads.
 - (iii) A person must not use a:
 - (AA) crossbow of less than one hundred twenty-five (125) pounds pull;
 - (BB) crossbow unless it has a mechanical safety; or
 - (CC) poisoned or explosive arrow.

(iv) No portion of a bow's riser (handle) or:

(AA) track;

(BB) trough;

(CC) channel;

(DD) arrow rest; or

(EE) other device;

that attaches to the bow's riser shall contact, support, or guide the arrow from a point rearward of the bow's brace height.

(v) Before or after lawful shooting hours, a person must not possess a:

(AA) long bow;

(BB) compound bow; or

(CC) crossbow;

in the field if the nock of the arrow is placed on the bow string.

(3) Hunt wild turkeys in the

~~(A) fall season except in a county the director designates on an annual basis by temporary rule. or~~

~~(B) spring season in Henry County.~~

(f) The special youth season for hunting wild turkeys under this subsection is two (2) consecutive days beginning on the Saturday immediately before the start of the spring turkey season in subsection (a). As used in this subsection, "youth" means an individual who is less than sixteen (16) years of age on the date of the hunt. A youth who hunts a wild turkey under this section must be accompanied by an adult who is at least eighteen (18) years of age. An adult accompanying a youth hunter must not possess a firearm, bow and arrow, or crossbow while in the field. The seasonal limit for hunting turkeys under this subsection is one (1) bearded or male wild turkey. A youth hunter who takes a turkey under this subsection must not take another turkey during the spring turkey season in the same year.

(g) The use **or possession** of:

(1) a dog;

(2) another domesticated animal;

(3) a live decoy;

(4) a recorded call;

(5) an electronically powered or controlled decoy; or

(6) bait;

~~to take~~ **while hunting** a wild turkey is prohibited. An area is considered baited for ten (10) days after the removal of the bait, but an area is not considered to be baited that is attractive to wild turkeys resulting from normal agricultural practices.

(h) A person must not possess a handgun while hunting wild turkeys or while accompanying the youth hunter during the season established in subsection (f) unless the person possesses a handgun in accordance with [IC 35-47](#) and:

(1) has a valid unlimited license to carry a handgun issued under [IC 35-47-2-3](#);

(2) has a valid unlimited license to carry a handgun recognized under [IC 35-47-2-21](#)(b); or

(3) is not required to possess a license to carry a handgun under [IC 35-47-2-2](#).

(i) Except as provided under [IC 14-22-11-1](#) and [IC 14-22-11-11](#), a person must not hunt:

(1) wild turkeys unless possessing a completed and signed license bearing the person's name; or

(2) with a wild turkey license issued to another person.

(j) A person may take a wild turkey during the spring season established under subsection (a) only if:

(1) issued a license to hunt wild turkeys with:

(A) a resident youth consolidated hunting license under [IC 14-22-11-10](#)(b);

(B) a resident spring turkey license under [IC 14-22-11-10](#)(a) or [IC 14-22-12-1](#)(a)(20);

(C) a nonresident spring turkey license under [IC 14-22-12-1](#)(a)(21);

(D) a resident youth consolidated hunting license under [IC 14-22-12-1](#)(a)(24);

(E) a lifetime comprehensive hunting license under [IC 14-22-12-7](#)(a)(4);

- (F) a lifetime comprehensive hunting and fishing license under [IC 14-22-12-7\(a\)\(5\)](#); or
(G) an apprentice spring turkey hunting license under [IC 14-22-12-1.7](#); or
(2) hunting with legal equipment under [IC 14-22-11-1](#).

(k) A person may take a wild turkey during the fall season established under subsection (b) only if:

(1) issued a license to hunt wild turkeys with:

- (A) a resident youth consolidated hunting license under [IC 14-22-11-10\(b\)](#);
(B) a resident fall turkey license under [IC 14-22-11-10\(a\)](#) or [IC 14-22-12-1\(a\)\(22\)](#);
(C) a nonresident fall turkey license under [IC 14-22-12-1\(a\)\(23\)](#);
(D) a resident youth consolidated hunting license under [IC 14-22-12-1\(a\)\(24\)](#);
(E) a lifetime comprehensive hunting license under [IC 14-22-12-7\(a\)\(4\)](#);
(F) a lifetime comprehensive hunting and fishing license under [IC 14-22-12-7\(a\)\(5\)](#); or
(G) an apprentice fall turkey hunting license under [IC 14-22-12-1.7](#); or
(2) hunting with legal equipment under [IC 14-22-11-1](#).

⚡ (l) A piece of paper must, immediately after taking a wild turkey:

(1) be attached to a leg of the turkey directly above the spur; and

(2) state the:

- (A) name and address of the person **who took the turkey**;
(B) license number (if applicable) **of the person who took the turkey**;
(C) date **the turkey was taken**; and
(D) sex of the wild turkey taken.

⚡ (m) A person who takes a turkey must do the following:

(1) Cause delivery of the turkey to an official turkey checking station within forty-eight (48) hours of taking for registration **in the name of the person who took the wild turkey. The person who takes the turkey to the official turkey checking station must give the check station true and accurate information, including the name and license number of the person who took the turkey and the date the turkey was killed.** After the checking station operator:

(A) records the permanent seal number on the log; and

(B) collects the piece of paper described in subsection ⚡ (l);
the person is provided with that seal.

(2) Immediately and firmly affix the seal to the leg of the turkey as follows:

(A) Directly above the piece of paper described in subsection ⚡ (l) for a turkey taken during the spring season.

(B) Through a section of skin or flesh to prevent its removal (without cutting the seal or the body part to which it is affixed) for a turkey taken in the fall season.

The permanent seal must remain affixed until processing of the turkey begins. The official turkey checking station operator shall accurately and legibly complete all forms provided by the department and make those forms available to department personnel on request.

⚡ (n) The feathers and beard of a wild turkey must remain attached while the wild turkey is in transit from the site where taken.

(Natural Resources Commission; [312 IAC 9-4-11](#); filed May 12, 1997, 10:00 a.m.: 20 IR 2710; filed May 28, 1998, 5:14 p.m.: 21 IR 3715; filed Dec 26, 2001, 2:40 p.m.: 25 IR 1533; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Sep 23, 2004, 3:00 p.m.: 28 IR 541; filed May 25, 2005, 10:15 a.m.: 28 IR 2946; filed Jun 23, 2006, 2:24 p.m.: [20060719-IR-312050214FRA](#); filed Jan 8, 2007, 9:11 a.m.: [20070207-IR-312060193FRA](#); filed Sep 6, 2007, 12:20 p.m.: [20071003-IR-312070023FRA](#); readopted filed Nov 24, 2008, 11:08 a.m.: [20081210-IR-312080672RFA](#); filed Apr 3, 2009, 1:48 p.m.: [20090429-IR-312080740FRA](#))

LSA Document #08-688(F)

(Administrative Cause Number 08-057A)

Filed with the Publisher: April 3, 2009

Small Business Regulatory Coordinator

Stephen L. Lucas, Hearing Officer, Natural Resources Commission, Indiana Government Center North, 100 North Senate Avenue, Room N501, Indianapolis, IN 46204-2200, (317) 233-3322, slucas@nrc.in.gov

Document History

LSA Document #08-688(F)

Notice of Intent: [20080910-IR-312080688NIA](#)

Proposed Rule: [20081210-IR-312080688PRA](#)

Hearing Held: January 16, 2009

Approved by Attorney General: March 27, 2009

Approved by Governor: April 3, 2009

Filed with Publisher: April 3, 2009, 2:00 p.m.

Documents Incorporated by Reference: None Received by Publisher

SMALL BUSINESS REGULATORY COORDINATOR RECORD

On June 24, 2009, the Small Business Regulatory Coordinator, Stephen L. Lucas, filed the following:

I would report that on four occasions expressions of interest have been made by attorneys concerning the opportunity included in the rules and underlying statutes. These expressions arose in the context of adjudications and not in direct response to the rule adoption. To date, no one has opted to file a motion to implement the new statutes and rules. Otherwise, no comments, questions, or complaints have been received concerning the rule proposal.

NATURAL RESOURCES COMMISSION MEETING

The Natural Resources gave final adoption to LSA Document #08-688(F) at its March 17, 2009 meeting. No public comments were received at this meeting.

Excerpt from Hearing Officer Report dated January 20, 2009:

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2. Public Hearing and Other Comments

The public hearing was convened as scheduled on January 16, 2009 in Room 501, Indiana Government Center North, 100 North Senate Avenue, Indianapolis, Indiana. No member of the public appeared for the hearing. No public comments received, either orally or in writing, outside the hearing.

...

TITLE 312 NATURAL RESOURCES COMMISSION

Final Rule

LSA Document #08-688(F)

DIGEST

Amends [312 IAC 3-1-1](#), [312 IAC 3-1-2](#), and [312 IAC 3-1-8](#) and adds [312 IAC 3-1-10.5](#), concerning procedural rules for the Natural Resources Commission, Division of Hearings, to provide for the consolidation of proceedings with the Office of Environmental Adjudication as required by SEA 134. *NOTE: This document is jointly promulgated with the Office of Environmental Adjudication. See LSA Document #08-689, posted at [20090429-IR-315080689FRA](#). Effective 30 days after filing with the Publisher.*

[312 IAC 3-1-1](#); [312 IAC 3-1-2](#); [312 IAC 3-1-8](#); [312 IAC 3-1-10.5](#)

SECTION 1. [312 IAC 3-1-1](#) IS AMENDED TO READ AS FOLLOWS:

[312 IAC 3-1-1](#) Administration

Authority: [IC 14-10-2-2.5](#); [IC 14-10-2-4](#); [IC 25-31.5-3-8](#)

Affected: [IC 4-21.5](#); [IC 14](#); [IC 25](#)

Sec. 1. (a) This rule controls proceedings governed by [IC 4-21.5](#) for which the commission, or an administrative law judge for the commission, is the ultimate authority. **In conjunction with [315 IAC 1-1](#), this rule also governs a proceeding consolidated with the office of environmental adjudication under [IC 14-10-2-2.5\(b\)](#).**

(b) An affected person who is aggrieved by a determination of:

- (1) the director;
 - (2) a delegate of the director;
 - (3) a board (other than the commission when acting as the ultimate authority);
 - (4) a delegate of the board (other than an administrative law judge);
 - (5) a person who has been delegated authority under [312 IAC 2-2](#);
 - (6) the Indiana board of licensure for professional geologists under [IC 25-17.6](#); or
 - (7) the Indiana board of registration for soil scientists under [IC 25-31.5](#);
- may apply for administrative review of the determination under [IC 4-21.5](#) and this rule.

(c) As used in this rule, "division director" refers to the director of the division of hearings of the commission.

(Natural Resources Commission; [312 IAC 3-1-1](#); filed Feb 5, 1996, 4:00 p.m.: 19 IR 1317; filed Oct 19, 1998, 10:12 a.m.: 22 IR 748; filed Aug 29, 2002, 1:03 p.m.: 26 IR 7; readopted filed Oct 2, 2002, 9:10 a.m.: 26 IR 546; readopted filed Jul 21, 2008, 12:16 p.m.: [20080813-IR-312080052RFA](#); filed Apr 3, 2009, 2:00 p.m.: [20090429-IR-312080688FRA](#))

SECTION 2. [312 IAC 3-1-2](#) IS AMENDED TO READ AS FOLLOWS:

[312 IAC 3-1-2](#) Ultimate authority

Authority: [IC 14-10-2-2.5](#); [IC 14-10-2-4](#); [IC 25-31.5-3-8](#)

Affected: [IC 4-21.5-4](#); [IC 14-34](#); [IC 25-17.6](#); [IC 25-31.5](#)

Sec. 2. (a) Except as provided in ~~subsection (b)~~, **this section**, the commission is the ultimate authority for the department and any department board.

(b) **Except as provided in subsection (d)**, an administrative law judge is the ultimate authority for an administrative review under the following:

(1) An order under [IC 14-34](#), except for a proceeding:

(A) concerning the approval or disapproval of a permit application or permit renewal under [IC 14-34-4-13](#); or

(B) ~~a proceeding~~ for suspension or revocation of a permit under [IC 14-34-15-7](#).

(2) An order granting or denying temporary relief under [IC 14-34](#) or an order:

(A) voiding;

(B) terminating;

(C) modifying;

(D) staying; or

(E) continuing;

an emergency or temporary order under [IC 4-21.5-4](#).

(3) An order designated as a final order in section 9 of this rule.

(c) An administrative law judge is also the ultimate authority for the following:

(1) The Indiana board of licensure for professional geologists under [IC 25-17.6](#).

(2) The Indiana board of registration for soil scientists under [IC 25-31.5](#).

(d) For a proceeding consolidated with the office of environmental adjudication under [IC 14-10-2-2.5\(b\)](#), the panel described in [IC 14-10-2-2.5\(c\)](#) is the ultimate authority for administrative review.

(Natural Resources Commission; [312 IAC 3-1-2](#); filed Feb 5, 1996, 4:00 p.m.: 19 IR 1317; filed Oct 19, 1998, 10:12 a.m.: 22 IR 749; filed Dec 26, 2001, 2:42 p.m.: 25 IR 1543; filed Aug 29, 2002, 1:03 p.m.: 26 IR 8; readopted filed Oct 2, 2002, 9:10 a.m.: 26 IR 546; readopted filed Jul 21, 2008, 12:16 p.m.: [20080813-IR-312080052RFA](#); filed Apr 3, 2009, 2:00 p.m.: [20090429-IR-312080688FRA](#))

SECTION 3. [312 IAC 3-1-8](#) IS AMENDED TO READ AS FOLLOWS:

[312 IAC 3-1-8](#) Administrative law judge; automatic change

Authority: [IC 14-10-2-2.5](#); [IC 14-10-2-4](#); [IC 25-31.5-3-8](#)

Affected: [IC 4-21.5-4](#); [IC 14-34](#); [IC 25](#)

Sec. 8. (a) In addition to the reasons stated for the disqualification of an administrative law judge under [IC 4-21.5](#), an automatic change of administrative law judge may be obtained under this section.

(b) A party, within ten (10) days after the appointment of an administrative law judge, may file a written motion for change of the administrative law judge without specifically stating the ground for the request.

(c) The administrative law judge shall grant a motion filed under subsection (b) and promptly notify the division director. The division director shall inform the parties of the names of two (2) other individuals from whom a substitute administrative law judge may be selected. A party who is opposed to the party who filed the motion under subsection (b) may, within five (5) days, select one (1) of the individuals named by the division director to serve as the substitute administrative law judge. In the absence of a timely designation by an opposing party under this subsection, the selection shall be made by the division director.

(d) This section does not apply:

(1) where a previous change of administrative law judge has been requested under this section;

(2) to a proceeding under [IC 4-21.5-4](#);

(3) to temporary relief under:

- (A) [IC 13-4.1](#) before its repeal; or
- (B) [IC 14-34](#);
- (4) if an administrative law judge has issued a stay or entered an order for disposition of all or a portion of the proceeding;
- (5) if the commission orders a suspension of the section where its continued application is impracticable as a result of inadequate staffing; ~~or~~
- (6) to a proceeding to review a determination by the:
 - (A) Indiana board of licensure for professional geologists; or ~~the~~
 - (B) Indiana board of registration for soil scientists; or
- (7) to a member of a panel described in [IC 14-10-2-2.5\(c\)](#).**

(Natural Resources Commission; [312 IAC 3-1-8](#); filed Feb 5, 1996, 4:00 p.m.: 19 IR 1319; filed Feb 7, 2000, 3:31 p.m.: 23 IR 1365; filed Aug 29, 2002, 1:03 p.m.: 26 IR 8; readopted filed Oct 2, 2002, 9:10 a.m.: 26 IR 546; readopted filed Jul 21, 2008, 12:16 p.m.: [20080813-IR-312080052RFA](#); filed Apr 3, 2009, 2:00 p.m.: [20090429-IR-312080688FRA](#))

SECTION 4. [312 IAC 3-1-10.5](#) IS ADDED TO READ AS FOLLOWS:

[312 IAC 3-1-10.5 Consolidated proceedings with office of environmental adjudication](#)

Authority: [IC 4-21.5-3-31](#); [IC 14-10-2-2.5](#); [IC 14-10-2-4](#)

Affected: [IC 4-21.5-3](#); [IC 14](#); [IC 25](#)

Sec. 10.5. (a) This section controls the conduct of a proceeding presided over by an administrative law judge that is consolidated under [IC 14-10-2-2.5](#) with a proceeding presided over by an environmental law judge of the office of environmental adjudication.

(b) Before acting on a motion for consolidation under [IC 14-10-2-2.5\(b\)](#), an administrative law judge or environmental law judge may do any of the following:

- (1) Consult with any administrative law judge or environmental law judge that presides over a proceeding sought to be consolidated.
- (2) Request documents, briefs, or oral arguments from the parties to the following:
 - (A) The proceeding pending before the administrative law judge or environmental law judge.
 - (B) The proceeding sought to be consolidated.

(c) If an administrative law judge or an environmental law judge enters an order for consolidation under [IC 14-10-2-2.5\(b\)](#), the order shall establish a panel that complies with [IC 14-10-2-2.5\(c\)](#).

(d) Unless otherwise agreed by the panel, the administrative law judge or environmental law judge that entered the order under subsection (c) shall perform the following functions:

- (1) Open and maintain a new adjudicatory file that includes in its caption the phrase "In the Matter of Consolidated Proceeding under [IC 14-10-2-2.5](#)".
- (2) Include true and authentic copies of all pleadings and documents previously filed and orders previously entered in the proceedings that have been consolidated.
- (3) Rule upon routine motions and requests by the parties, including objections at hearing. This subdivision does not prohibit the administrative law judge or environmental law judge from consulting with another panel member or members before ruling.

(e) The panel may make any orders concerning a consolidated proceeding that are necessary and proper.

(f) The panel, in furtherance of convenience and to avoid prejudice, or when separate hearings may be conducive to expedition and economy, may order a separate hearing of any claim, cross-

claim, counterclaim, or third-party claim, or of any separate issue or any number of claims, cross-claims, counterclaims, third-party claims, or issues.

(g) In furtherance of convenience and to avoid prejudice, the panel may certify a disposition of fewer than all issues as being ripe for judicial review where:

- (1) a dismissal is granted with prejudice;
- (2) a summary judgment is granted under [IC 4-21.5-3-23](#); or
- (3) a separate hearing is conducted under subsection (f).

(h) On a party's motion or on the panel's motion, the panel may terminate a consolidated proceeding in furtherance of convenience and to avoid prejudice. If a party moves to terminate a consolidated proceeding because all issues of the department of natural resources or of the department of environmental management have been settled or adjudicated, the panel shall terminate the consolidated proceeding. An order for termination shall include any provisions that may reasonably support the convenience of the parties and the expeditious disposition by an administrative law judge or environmental law judge of the remaining proceeding.

(i) A final disposition of a consolidated proceeding shall be included both by the commission and by the office of environmental adjudication in their respective implementations of [IC 4-21.5-3-32](#) and [IC 4-21.5-3-27\(c\)](#).

(Natural Resources Commission; [312 IAC 3-1-10.5](#); filed Apr 3, 2009, 2:00 p.m.: [20090429-IR-312080688FRA](#))

LSA Document #08-672(F)

(Administrative Cause Number 08-124D)

Filed with the Publisher: November 24, 2008

Small Business Regulatory Coordinator

Linnea Petercheff, Staff Specialist, Division of Fish and Wildlife, Department of Natural Resources, 402 W. Washington Street, Room W273, Indianapolis, Indiana 46204, (317) 233-6527, lpetercheff@dnr.in.gov

Document History

LSA Document #08-672(F)

Intent to Readopt Rules: [20080820-IR-312080672RNA](#)

Filed with Publisher: November 24, 2008, 11:08 a.m.

SMALL BUSINESS REGULATORY COORDINATOR RECORD

The Small Business Regulatory Coordinator did not file a report.

NATURAL RESOURCES COMMISSION MEETING

The Natural Resources gave final adoption to LSA Document #08-672(F) at its November 18, 2008 meeting. No public comments were received at this meeting.

TITLE 312 NATURAL RESOURCES COMMISSION

Readopted Final Rule LSA Document #08-672(F)

DIGEST

Readopts rules in anticipation of [IC 4-22-2.5-2](#), providing that an administrative rule adopted under [IC 4-22-2](#) expires January 1 of the seventh year after the year in which the rule takes effect unless the rule contains an earlier expiration date. Effective 30 days after filing with the Publisher.

312 IAC 9

SECTION 1. UNDER [IC 4-22-2.5-4](#), THE FOLLOWING ARE READOPTED:

312 IAC 9 FISH AND WILDLIFE

LSA Document #08-672(F)

Intent to Readopt Rules: [20080820-IR-312080672RNA](#)

Filed with Publisher: November 24, 2008, 11:08 a.m.

LSA Document #08-614(F)

(Administrative Cause Number 07-203W)

Filed with the Publisher: May 12, 2009, 11:27 a.m.

Small Business Regulatory Coordinator

Linnea Petercheff, Staff Specialist, Division of Fish and Wildlife, Department of Natural Resources, 402 W. Washington Street, Room W273, Indianapolis, Indiana 46204, (317) 233-6527, lpetercheff@dnr.in.gov

Document History

LSA Document #08-614(F)

Notice of Intent: [20080806-IR-312080614NIA](#)

Proposed Rule: [20081210-IR-312080614PRA](#)

Hearing Held: January 27, 2009; AND January 27, 2009

Approved by Attorney General: May 1, 2009

Approved by Governor: May 12, 2009

Filed with Publisher: May 12, 2009, 11:27 a.m.

Documents Incorporated by Reference: None Received by Publisher

SMALL BUSINESS REGULATORY COORDINATOR RECORD

On June 29, 2009, the Small Business Regulatory Coordinator, Linnea Petercheff, filed the following:

No questions were received by small business with respect to the rules governing floodway gravel extraction.

NATURAL RESOURCES COMMISSION MEETING

The Natural Resources gave final adoption to LSA Document #08-614(F) at its March 17, 2009 meeting. No public comments were received at this meeting.

Excerpt from Hearing Officer Report dated February 25, 2009:

...

The hearing at Anderson was commenced as scheduled. Justin T. Schneider, Staff Attorney for Indiana Farm Bureau, Inc., attended. Also present was Jon Eggen, Compliance Section Head, DNR Division of Water. There was an informal discussion of the rule, its intent, and concerns by members of the Indiana Farm Bureau regarding impact of the amendments. The hearing officer announced the public comment period would be held open until February 10, 2009. Schneider had previously commented on the rule proposal and stated he would offer additional comments by email (which he subsequently did), but Schneider did not offer oral or written comments for the record during the public hearing.

The hearing officer was present for the public hearing at Edinburgh. No member of the public or employee of the Department of Natural Resources attended.

C. Other Comments

The following comments were received from the public outside the scheduled public hearings:

Justin T. Schneider, Staff Attorney for Indiana Farm Bureau, Inc., sent an email dated September 5, 2008. [See, also, his comments dated February 6, 2009.]

Indiana Farm Bureau, Inc. is the largest general farm organization in the state, representing approximately 80,000 families that earn income from agricultural pursuits. In addition, a significant number of these members take part in outdoor recreational activities, including fishing, boating and camping. Thus, our members understand the need to protect our rivers and streams and the fish habitat they provide. However, they also understand the crucial role that removal of creek rock from rivers and streams plays in preventing flooding and protecting banks from erosion. Further, there is value to our members in being able to utilize that sand and gravel resource which often is a nuisance in streams and rivers.

Our members understand and can support the DNR's desire to restrict removal for three months during fish spawning. Additionally, they understand the concerns about sediment which arise by using bulldozers to push material from the streams and rivers. However, they are concerned that a rule proposal which began to protect fish during spawning has turned into an attempt to regulate the amount of creek rock which can be removed during a year. More importantly, the members of Indiana Farm Bureau are concerned this rule runs counter to the purpose established by our General Assembly in the Flood Control Act.

The Flood Control Act states that a person may not permit the maintenance in a floodway of an obstruction that constitutes an unreasonable hazard to the safety of life or property. Indiana Code § 14-28-1-20. Indiana Code § 14-28-1-23 authorizes the director of DNR to remove a deposit that adversely affects the efficiency of or unduly restricts the capacity of the floodway or constitutes an unreasonable hazard to the safety of life or property. Of the numerous members who were surveyed, several mentioned that they remove creek rock because of the change in water flow it creates which causes erosion of stream and river banks. Without their efforts to return these waterways to their natural course, additional gravel, sand and sediment will end up in our rivers and streams. It appears that this concern is one which may have been overlooked in the planning process for this rulemaking.

Further, our members do not think that the amount of creek rock they remove from streams and rivers should be limited. The staff of Farm Bureau has been advised that concern exists by some that the State's resources are being removed without compensation. That begs the question of who these sand and gravel

resources belong to. As is often the case, the buildup is created by stream walls caving in and the material washing downstream in heavy rains. Thus, the issue is not so much that the creek rock belongs to the state as that it belongs to unknown landowners. Given that it is unlikely those landowners will be able to recover their material from downstream, it does not seem inappropriate that landowners affected by the material or who might benefit from its use could remove it.

The staff and members of Indiana Farm Bureau look forward to the opportunity to provide additional comments and assistance in the drafting of this rule. Questions may be addressed to Justin Schneider at jschneider@infarmbureau.org or 317-692-7835.

Jack Corpuz, Indianapolis, Indiana sent an email dated January 28, 2009:

While this rule proposal will allow for some excavation in streams without a formal review by the DNR, the rule does contain some very specific conditions which will minimize the impacts to the resource such as the fish and invertebrate community. This rule proposal will benefit the property owner by allowing the property owner to remove as much but reasonable amount of material from a stream without a permit or application fee. This rule will also benefit the DNR by reducing the number of permit application inspections for relatively minor activities while still protecting the resource and allowing for additional time to be spent on larger projects.

Wesley Barnett commented by telephone on January 30, 2009:

Wesley Barnett said he “supported” the proposed rule amendment at 312 IAC 6-5-9(c) allowing the removal of “not more than ten (10) cubic yards of creek rock is removed within one (1) calendar year from the parcel” without a written license.

John Kent Loosemore, Crown Point, Indiana sent an email dated January 31, 2009:

If we are to maintain our natural environments and secure areas which take care of flooding, we need to secure the areas that now exist. We should be looking to increase this type of environment not destroy those that now exist. There should be no permission given for the removal of creek rock for any reason.

Jim Sweeney, Schererville, Indiana sent an email dated January 30, 2009:

Please add my comments to the public record regarding the removal of rock from the rivers and streams of the state. This is an activity that can destroy quality fish and wildlife habitat and should be regulated by the Indiana DNR. The rivers and streams of the state have been and are still being abused to no end. Manipulation of the beds of streams and rivers is destructive. Any activity that is destructive of natural resources needs to be regulated to limit that destruction.

Clara Ruth Walters, Vermillion, Indiana sent an email dated February 2, 2009:

While I dislike the need to get a permit for everything, there should be some restrictions in place to protect the banks from erosion and destruction. I am a Riverwatch monitor and I have noticed that since the flood waters went through last summer, it did remove and make deeper parts of our monitoring site. Since this was also close to the bank, we are watching the erosion carefully. Allowing someone to remove creek rock from a body of water should be carefully monitored to ensure that it will not affect adversely the ecosystem. It is also important to make sure that the property owner is aware or in charge of what is going on. To allow unregulated dredging-which is what this would be without rules-means that a landowner could wind up losing property and facing erosion problems simply because someone else wanted a deeper channel on the water way. Please do not regulate it to death, but keep the context of the regulations concise and easy to understand.

Terrence and Elizabeth McCloskey, LaPorte County, Indiana sent an email dated February 3, 2009:

We have read the Proposed Rule (LSA Document #08-614) concerning mining of “creek rock” and fully support the proposed rule as written, with some possible clarifications. Although it was rather confusing to think of sand as part of “creek rock”, once we had read the entire document it made more sense. We agree that this activity has to be regulated to the extent that people cannot just mess around in our streams and rivers - and apparently lakes since Lake Michigan is mentioned. Maybe there needs to be some clarification about “waterway” and whether or not it includes public freshwater lakes, unless that is included in the IC references, which we did not check. Making the Rule as clear as possible without too many references to other Rules would make it easier for the average person to follow and therefore comply with. We know that gravel and sand bars move around based on water flows, and we also know that such in-stream habitats are important for the fishery and other aquatic resources, especially mussels. For years there has been “gravel mining” on certain sandbars in certain rivers, some of which is regulated by the U.S. Army Corps of Engineers. But it is important that Indiana get a handle on what is occurring in streams (and lakes?) around the state to make sure that important aquatic resources are not being adversely affected through this activity. The Tippecanoe River, with its federally endangered mussels and Indiana-listed fish and mussels, in particular must be protected. We know that the Tippecanoe is not listed as an Outstanding State Resource Water by the Indiana Department of Environmental Management, but we hope it is on the Outstanding Rivers List for Indiana; if it isn’t, it needs to be.

Justin T. Schneider, Staff Attorney for Indiana Farm Bureau, Inc., sent a letter dated February 6, 2009 with delivery by email. The letter stated in substantive part:

Indiana Farm Bureau, Inc. represents nearly 80,000 families who earn their income from agricultural interests. Many of these individuals are also sportsmen and women, who hunt and fish. These comments are submitted on their behalf to supplement those previously filed on this rule making.

One does not need to impress upon the members of this Commission the frustration that many landowners face in trying to keep ditches, creeks, rivers and streams flowing in orderly fashion. Numerous landowners and landowner groups have met with staff from DNR and members of this Commission in an effort to facilitate approval of projects and to seek assistance in removing fill material from waterways. All too often landowners find themselves confused about the requirements, not sure why they must get approval from DNR, IDEM and other agencies, and uncertain about why conditions were placed upon them. Ultimately, many are left frustrated that they cannot get sand and gravel removed from waterways and watch as their property is damaged by changing flows of water caused by buildup in waterways or by flooding.

This past year magnified many of those problems with severe flooding causing erosion to banks and fields and sedimentation of ditches and streams. Our members appreciate the recognition from the DNR staff and the Commission that policies needed to be put in place to facilitate log jam removal and emergency reconstruction. We trust that the work done under those emergency rules will demonstrate the high quality work and environmental commitment of our members.

Because of flooding concerns, Farm Bureau members recommended the appointment of a Farm Bureau drainage task force to determine new policy recommendations to address those issues. In researching the issue, we found the case of State v. Adams, 583 N.E.2d 799 (Ind. Ct. App. 1992). In that case, an individual was found to not have violated a previous version of the Flood Control Act, which at that time was in Title 13, by excavating creek rock without a permit. In reaching the decision, the court noted that the purpose of the statute was to prevent flooding, and that the action of the individual removing the creek rock was consistent with that purpose. In viewing the current language in IC 14-28-1-22, it does not appear that the purpose has changed. We urge the Commission to consider the impact of this case upon the implementation of this rule proposal.

Aside from State v. Adams, we would also like to address the terms of the rule proposal. Numerous Farm Bureau members have been involved in discussions about this rule proposal. They consistently understand the need to protect aquatic habitat and the purpose behind the timing restrictions. However, they still have many concerns with the restrictions put in place by the language in the rule proposal.

Our members noted that the material volume discussed in the rule is relatively small in comparison to what would normally be removed in even a minor repair project. Their concern is that the amounts they are being given permission to remove will not have a substantial impact on addressed the removal of waterway obstructions, thereby forcing landowners to be subject to onerous permitting procedures.

Several landowners expressed frustrations which occurred after seeking approvals from DNR to remove creek rock in the past. Their frustration often revolved around conditions place upon their work by DNR staff. Those individuals no longer remove creek rock, or have seldom done it in recent years, but would like to start removing it again. The rule proposal, in Section 10, creates a system for an individual to give notice to DNR and to proceed without a written license from the agency. The notice requirements are extensive and DNR has 10 days to approve the notice or require more information from the applicant. The proposal also gives DNR the ability to require additional conditions. Additional requirements have been one of the main complaints from individuals who have attempted to remove creek rock in the past. And in this instance, it make the process more akin to an individual permit and less like the general license it is purported to be.

These comments are respectfully submitted on behalf of the membership of Indiana Farm Bureau. We urge the Commission to consider the purpose behind both the Flood Control act and the rule proposal that the legislative intent on removing obstructions from floodways is met in the most reasonable manner possible.

...

TITLE 312 NATURAL RESOURCES COMMISSION

Final Rule LSA Document #08-614(F)

DIGEST

Adds [312 IAC 6-2-3.3](#) and [312 IAC 6-5-9](#) for navigable waters and adds [312 IAC 10-2-16.5](#), [312 IAC 10-5-9](#), and [312 IAC 10-5-10](#) for nonnavigable waters to address general licenses and individual licenses for the extraction of sand, gravel, rock, and slab rock. Effective 30 days after filing with the Publisher.

[312 IAC 6-2-3.3](#); [312 IAC 6-5-9](#); [312 IAC 10-2-16.5](#); [312 IAC 10-5-9](#); [312 IAC 10-5-10](#)

SECTION 1. [312 IAC 6-2-3.3](#) IS ADDED TO READ AS FOLLOWS:

[312 IAC 6-2-3.3](#) "Creek rock" defined

Authority: [IC 14-10-2-4](#); [IC 14-28-1-5](#); [IC 14-29-1-8](#)

Affected: [IC 14-28-1](#); [IC 14-29-1](#)

Sec. 3.3. "Creek rock" means each of the following located within a waterway:

- (1) Sand.
- (2) Gravel.
- (3) Rock.
- (4) Slab rock.

(Natural Resources Commission; [312 IAC 6-2-3.3](#); filed May 12, 2009, 11:27 a.m.: [20090610-IR-312080614FRA](#))

SECTION 2. [312 IAC 6-5-9](#) IS ADDED TO READ AS FOLLOWS:

[312 IAC 6-5-9](#) Creek rock removal from a navigable waterway; general license

Authority: [IC 14-10-2-4](#); [IC 14-28-1-5](#); [IC 14-28-1-8](#)

Affected: [IC 14-19-1-1](#); [IC 14-28-1](#); [IC 14-29-1](#); [IC 14-29-3](#)

Sec. 9. (a) Except as provided in subsection (d), this section establishes a general license for the removal of creek rock from a navigable waterway that is subject to [IC 14-28-1](#), [IC 14-29-1](#), or [IC 14-29-3](#).

(b) To act under this section, a person must:

- (1) if creek rock is to be removed from a parcel located in the riparian zone of an adjacent property owner, either:
 - (A) be a riparian owner for the parcel; or
 - (B) have written permission from a riparian owner for the parcel; and
- (2) receive written permission from the department in the conduct of its responsibilities under [IC 14-19-1-1](#)(9). The permission under this subdivision is a proprietary function for the public trust and is not a licensure function.

(c) Without a written license under [IC 14-28-1](#), [IC 14-29-1](#), or [IC 14-29-3](#), and without notice to the department other than as anticipated by subsection (b)(2), a person may remove creek rock from the parcel, if the person satisfies each of the following conditions:

- (1) Not more than ten (10) cubic yards of creek rock is removed within one (1) calendar year from the parcel.
- (2) The creek rock is removed exclusively by the following methods:
 - (A) Hand.
 - (B) Hand tools.
- (3) The creek rock is removed between July 1 and March 31 of the following year.
- (4) The creek rock is removed only from sand bars and gravel bars within the waterway. The excavation of waterway banks does not qualify under this subdivision.

(d) An individual license is required under [IC 14-28-1](#) and this article for the removal of creek rock from Lake Michigan.

(Natural Resources Commission; [312 IAC 6-5-9](#); filed May 12, 2009, 11:27 a.m.: [20090610-IR-312080614FRA](#))

SECTION 3. [312 IAC 10-2-16.5](#) IS ADDED TO READ AS FOLLOWS:

[312 IAC 10-2-16.5](#) "Creek rock" defined

Authority: [IC 14-10-2-4](#); [IC 14-28-1-5](#)

Affected: [IC 14-28-1](#); [IC 14-29-1](#)

Sec. 16.5. "Creek rock" means each of the following located within a waterway:

- (1) Sand.
- (2) Gravel.
- (3) Rock.
- (4) Slab rock.

(Natural Resources Commission; [312 IAC 10-2-16.5](#); filed May 12, 2009, 11:27 a.m.: [20090610-IR-312080614FRA](#))

SECTION 4. [312 IAC 10-5-9](#) IS ADDED TO READ AS FOLLOWS:

[312 IAC 10-5-9](#) Creek rock removal from a nonnavigable waterway; general license without notice

Authority: [IC 14-10-2-4](#); [IC 14-28-1-5](#)

Affected: [IC 14-28-1](#); [IC 14-29-1](#)

Sec. 9. (a) This section establishes a general license without notice for the removal of creek rock from a waterway that is subject to [IC 14-28-1](#). A person must:

- (1) own; or
- (2) have written permission from a person who owns;
the parcel of a waterway where creek rock is removed in order to qualify under this section.

(b) Without a written license under [IC 14-28-1](#) and without notice to the department, a person may remove creek rock from the parcel, if the person satisfies each of the following conditions:

- (1) Not more than twenty-five (25) cubic yards of creek rock is removed within one (1) calendar year from the parcel.
- (2) The creek rock is removed exclusively by the following methods:
 - (A) Hand.
 - (B) Hand tools.
 - (C) Scoop-type excavating equipment. The use of a bulldozer or rock crusher does not qualify under this clause.

(3) The creek rock is removed between July 1 and March 31 of the following year. This restriction does not apply to creek rock, other than slab rock, that is removed from a sand bar or gravel bar and was deposited during any of the following:

- (i) a regulatory flood;
- (ii) a flood greater than a regulatory flood; or
- (iii) a flood for which the governor declares a disaster.

(4) The creek rock is removed only from sand bars and gravel bars within the waterway. The excavation of waterway banks does not qualify under this subdivision.

(c) A navigable waterway is governed by [312 IAC 6](#).

(Natural Resources Commission; [312 IAC 10-5-9](#); filed May 12, 2009, 11:27 a.m.: [20090610-IR-312080614FRA](#))

SECTION 5. [312 IAC 10-5-10](#) IS ADDED TO READ AS FOLLOWS:

[312 IAC 10-5-10](#) Creek rock removal from a nonnavigable waterway; general license with notice

Authority: [IC 14-10-2-4](#); [IC 14-28-1-5](#)

Affected: [IC 14-28-1](#); [IC 14-29-1](#)

Sec. 10. (a) Except as provided in subsection (j), this section establishes a general license with notice for the removal of creek rock from a waterway that is subject to [IC 14-28-1](#). A person must:

- (1) own; or
- (2) have written permission from the person who owns;
the parcel of a waterway where creek rock is removed in order to qualify under this section.

(b) Without a written license under [IC 14-28-1](#) but with notice to the department, a person may remove creek rock from the parcel, if the person complies with this section.

(c) A person who wishes to remove creek rock under this section must file a written notice, on a department form, with the division of fish and wildlife. The notice must include the following information:

- (1) Identification of the waterway and a description of the parcel where the removal would occur, including the following:
 - (A) Terminal points of the project.
 - (B) Access routes to the project referenced to a readily discernable landmark, such as a bridge or a dam.
 - (C) The project and access routes must be illustrated on at least one (1) of the following:
 - (i) A United States Geological Survey topographic map.
 - (ii) Another map determined by the department to satisfy the purposes of this clause.
- (2) The name, address, and telephone number of the person who is seeking the general license. If any of the activities would be performed on behalf of the person by an independent contractor, the name, address, and telephone number of the independent contractor must also be provided.
- (3) Documentation to demonstrate the person seeking the general license is the owner of the parcel (or has written permission from the person who is the owner of the parcel).
- (4) A statement in which the person agrees to comply with the following conditions:
 - (A) Creek rock would be removed exclusively through the use of hand-operated equipment or mechanical means, such as an excavator with a bucket with minimal fallback, and would not be pushed and stockpiled. Examples of equipment that qualify for use under this clause include a small tractor, backhoe, or front-end loader. Examples of equipment that do not qualify under this clause include a bulldozer or a rock crusher.
 - (B) No access road would be constructed to do any of the following:
 - (i) Destroy more than one-half (1/2) of an acre of trees within a floodway.

- (ii) Traverse a wetland indicated on the national wetlands inventory map unless pads are used.
- (iii) Raise the elevation of the floodplain.
- (iv) Cross a waterway.
- (C) Access to the project would be exclusively from one (1) side of the waterway.
- (D) Not more than fifty (50) total cubic yards of creek rock would be removed from the waterway within one (1) calendar year. This restriction does not apply to creek rock, other than slab rock, that is removed from a sand or gravel bar and was deposited during any of the following:
 - (i) a regulatory flood;
 - (ii) a flood greater than a regulatory flood; or
 - (iii) a flood for which the governor declares a disaster.
- (E) Extraction would be limited to the following:
 - (i) July 1 through March 31 of the following year.
 - (ii) A maximum of thirty (30) days.

(d) The following areas do not qualify for a general license under this section unless approved in writing by the department:

- (1) Within one-half (1/2) mile of any of the following:
 - (A) A species listed in the "Roster of Indiana Animals, Insects, and Plants that are Extirpated, Endangered, Threatened, or Rare (also described as Special Concern)", Information Bulletin #2, Fourth Amendment (August 1, 2007), published in the Indiana Register at [20070815-IR-312070469NRA](#).
 - (B) A known mussel resource.
 - (C) An outstanding natural area, as contained on the registry of natural areas maintained in the natural heritage data center of the department.
- (2) Within a river or stream listed in the Outstanding Rivers List for Indiana, Information Bulletin #4, Second Amendment (May 23, 2007), published in the Indiana Register at [20070530-IR-312070287NRA](#).

(e) Within ten (10) days (excluding Saturdays, Sundays, and legal holidays) after the receipt of a written notice under subsection (c), the division of fish and wildlife shall provide a written response that does one (1) of the following:

- (1) Approves the terms of the notice.
- (2) Requires additional information with respect to any of the following:
 - (A) the effects upon the capacity of the floodway;
 - (B) the safety of life or property; or
 - (C) the effects upon fish, wildlife, or botanical resources.
- (3) Provides additional conditions to the approval.
- (4) Requires the person to obtain a permit for the activity under [IC 14-28-1](#) or [IC 14-29-1](#).

If the department does not respond under this subsection in a timely fashion, the written notice is approved.

(f) A copy of the written notice provided under subsection (c) and any additional conditions provided by the department under subsection (d) must be posted by the person in a conspicuous location at the site of the project.

(g) The authorization for activities conducted under this section expires two (2) years after the date of issuance by the department.

(h) The authorization for activities conducted under this section does not waive permit requirements of other state, federal, or local government.

- (i) A person who elects to act under this general license with notice must comply with:
 - (1) the terms of the written notice provided under subsection (c); and
 - (2) any additional conditions provided by the department under subsection (e).

Failure to comply with these terms and conditions may result in the revocation of the general license, a civil penalty, a commission charge, and any other sanction provided by law for the violation of a license issued under [IC 14-28-1](#) or this article.

(j) A navigable waterway is governed by [312 IAC 6](#).

(Natural Resources Commission; [312 IAC 10-5-10](#); filed May 12, 2009, 11:27 a.m.: [20090610-IR-312080614FRA](#))

LSA Document #08-534(F)

(Administrative Cause Number 08-112H)

Filed with the Publisher:

Small Business Regulatory Coordinator

Stephen L. Lucas, Director, Division of Hearings, Natural Resources Commission,
Indiana Government Center North, 100 North Senate Avenue, Room N501, Indianapolis,
IN 46204-2200, (317) 232-4699, **slucas@nrc.in.gov**

Document History

LSA Document #08-534(F)

Intent to Readopt Rules: 20080702-IR-312080534RNA

Filed with Publisher: September 19, 2008, 10:25 a.m.

SMALL BUSINESS REGULATORY COORDINATOR RECORD

On February 26, 2009, the Small Business Regulatory Coordinator, Stephen Lucas, filed the following:

Thank you. I have received no comments of any kind from small businesses with respect to this rule readoption.

NATURAL RESOURCES COMMISSION MEETING

The Natural Resources gave final adoption to LSA Document #08-534(F) at its September 16, 2008 meeting. No public comments were received at this meeting.

Excerpt from Hearing Officer Report dated August 14, 2008:

...

C. NOTICE OF INTENT TO READOPT AND RECOMMENDATION FOR FINAL ACTION

A “Notice of Intent to Readopt” was posted to the Indiana REGISTER on July 2, 2008 as anticipated by IC 4-22-2.5-2 and IC 4-22-2.5-4. The notice indicated the intention to readopt the entirety of 312 IAC 22.5 without changes. The notice provided that a person had 30 days to submit a written request to the Natural Resources Commission seeking to have a particular section of the rules be readopted separately from the general recodification. If such a request is made, the Commission would be required to complete the full rule adoption process for the section. No written request has been received.

...

TITLE 312 NATURAL RESOURCES COMMISSION

Readopted Final Rule
LSA Document #08-534(F)

DIGEST

Readopts rules in anticipation of IC 4-22-2.5-2, providing that an administrative rule adopted under IC 4-22-2 expires January 1 of the seventh year after the year in which the rule takes effect unless the rule contains an earlier expiration date. Effective 30 days after filing with the Publisher.

312 IAC 22.5

SECTION 1. UNDER IC 4-22-2.5-4, THE FOLLOWING ARE READOPTED:

312 IAC 22.5 CEMETERIES AND BURIAL GROUNDS; REGISTRATION AND MANAGEMENT

LSA Document #08-534(F)

Intent to Readopt Rules: 20080702-IR-312080534RNA

Filed with Publisher: September 19, 2008, 10:25 a.m.

LSA Document #08-531(F)

(Administrative Cause Number 08-081W)

Filed with the Publisher: January 2, 2009, 1:30 p.m.

Small Business Regulatory Coordinator

Stephen L. Lucas, Hearing Officer, Natural Resources Commission, Indiana Government Center North, 100 North Senate Avenue, Room N501, Indianapolis, IN 46204-2200, (317) 233-3322, slucas@nrc.in.gov

Document History

LSA Document #08-531(F)

Notice of Intent: 20080625-IR-312080531NIA

Proposed Rule: 20080827-IR-312080531PRA

Hearing Held: October 7, 2008

Approved by Attorney General: December 19, 2008

Approved by Governor: December 31, 2008

Filed with Publisher: January 2, 2009, 1:30 p.m.

Documents Incorporated by Reference: None Received by Publisher

SMALL BUSINESS REGULATORY COORDINATOR RECORD

On February 26, 2009, the Small Business Regulatory Coordinator, Stephen Lucas, filed the following:

Thank you. I have received no comments of any kind from small businesses with respect to this rule adoption.

NATURAL RESOURCES COMMISSION MEETING

The Natural Resources gave final adoption to LSA Document #08-531(F) at its November 18, 2008 meeting. Public comments were received at this meeting as inserted below.

...

John Goss addressed the Commission on behalf of the Indiana Wildlife Federation. "As I said in my written comments in support of the rule proposal, we had broad-based support for the Compact in Indiana from the business community, the industrial community, agriculture, and environmental groups. We hope to keep that communication going as we move into implementation. Governor Daniels is chairing the compact implementation group beginning in December, so, hopefully, Indiana will be able to continue its leadership."

Goss continued, "On this implementation of the Great Lakes Compact, water conservation is certainly one significant part of the implementation. Indiana has challenges to create conservation plans for our communities, for water companies, irrigators, and other major users. We're just beginning the actual hard work among the interested players and DNR. I think the Division of Water is in a great position to do this because we have 25 years of data. Most of the States have not collected the data to know what the current uses are. Since the early 1980s in Indiana, everyone using 100,000 gallons of water or more a day has been required to report to DNR. We're in a good position to continue to lead on this."

...

Excerpt from Hearing Officer Report dated October 20, 2008:

...

2. Public Hearing and Written Comments

The public hearing was convened as scheduled on October 7, 2008 in Room 501, Indiana Government Center North, 100 North Senate Avenue, Indianapolis, Indiana. No member of the public appeared for the hearing.

Written comments were received on October 6, 2008. On that date, John Goss, Executive Director of the Indiana Wildlife Federation sent the following email:

On behalf of the Indiana Wildlife Federation, I would like to thank the Indiana DNR Commission for its support of the Great Lakes Compact.

Indiana is as shocked and pleasantly surprised as the rest of the Great Lakes states to have a Presidential signature making the Compact a reality. As you recall, the stakeholder groups in Indiana were virtually unanimous in support of adoption of the Compact by the Indiana legislature. An unprecedented coalition of environmental, business, local government and agricultural groups all supported the Indiana Compact law making it the first bill signed by Governor Daniels in the 2008 session.

DNR staff did a fine job of development of the Compact implementation language that was also adopted in the Indiana General Assembly. Indiana Division of Water also has the fortunate history of requiring water consumption use reports with a reliable data base that goes back over 20 years providing the basis for implementing the Compact.

In fact, the DNR Division of Water is already in a great position to lead the Great Lakes States in putting the Compact provisions into action.

The time is right for the DNR Commission to start the process to adopt additional rules that will put the Great Lakes Compact's visionary governance structure, water consumption monitoring and important water conservation provisions into practice in Indiana.

Again, thank you for your leadership on the wise stewardship of Great Lakes water, one of Indiana's finest natural resources.

Please let me know if you have any questions about this letter or the reasons for my support of this improvement in the definition of drought in the state.

The public comment period was kept open until October 15, 2008, but no other comments were received from the public concerning the proposed rule.

...

TITLE 312 NATURAL RESOURCES COMMISSION

Final Rule
LSA Document #08-531(F)

DIGEST

Amends 312 IAC 6.2-1-1 through 312 IAC 6.2-1-3, which addresses Great Lakes Basin water management, to assist with implementation of P.L.4-2008 (SEA 45) and effectuation of the Great Lakes-St. Lawrence River Basin Water Resources Compact. Effective 30 days after filing with the Publisher.

312 IAC 6.2-1-1; 312 IAC 6.2-1-2; 312 IAC 6.2-1-3

SECTION 1. 312 IAC 6.2-1-1 IS AMENDED TO READ AS FOLLOWS:

312 IAC 6.2-1-1 Purposes

Authority: IC 14-10-2-4; IC 14-25-1-11; IC 14-25-7-15; IC 14-25-15-5; IC 14-25-15-7

Affected: IC 14-25-1-11; IC 14-25-15-1

Sec. 1. The purposes of this article are to assist with each of the following:

- (1) Implementation and administration of IC 14-25-1-11.
- (2) Execution of the state's responsibilities under subsection (d) of 42 U.S.C. 1962d-20 (the "Water Resources Development Act").
- (3) Evaluation of water diversions from the ~~Great Lakes drainage~~ basin.
- (4) Implementation of the compact.

(Natural Resources Commission; 312 IAC 6.2-1-1; filed Jan 5, 2005, 9:45 a.m.: 28 IR 1459; filed Jan 2, 2009, 1:30 p.m.: 20090128-IR-312080531FRA)

SECTION 2. 312 IAC 6.2-1-2 IS AMENDED TO READ AS FOLLOWS:

312 IAC 6.2-1-2 Definitions

Authority: IC 14-10-2-4; IC 14-25-1-11; IC 14-25-7-15; IC 14-25-15-5; IC 14-25-15-7

Affected: IC 14-25

Sec. 2. ~~As used~~ (a) Definitions in Section 1.2 of IC 14-25-15-1 and in 312 IAC 1 apply throughout this article.

(b) In addition to the definitions referenced in subsection (a), "division" means the division of water of the department.

(Natural Resources Commission; 312 IAC 6.2-1-2; filed Jan 5, 2005, 9:45 a.m.: 28 IR 1459; filed Jan 2, 2009, 1:30 p.m.: 20090128-IR-312080531FRA)

SECTION 3. 312 IAC 6.2-1-3 IS AMENDED TO READ AS FOLLOWS:

312 IAC 6.2-1-3 Administration by the department

Authority: IC 14-10-2-4; IC 14-25-1-11; IC 14-25-7-15; IC 14-25-15-5; IC 14-25-15-7

Affected: IC 14-10-2-3; IC 14-25-15

Sec. 3. (a) The division shall:

- (1) serve as the point of contact; and ~~shall~~
- (2) coordinate the administrative, professional, and technical functions of this article.

(b) Subject to IC 14-10-2-3 and to subsection (c), the department director shall issue any order appropriate to the implementation of this article.

(c) This section does not delegate to the department or to the department director any authority granted to the governor under IC 14-25-15.

(Natural Resources Commission; 312 IAC 6.2-1-3; filed Jan 5, 2005, 9:45 a.m.: 28 IR 1460; filed Jan 2, 2009, 1:30 p.m.: 20090128-IR-312080531FRA)

LSA Document #08-413(F)

(Administrative Cause Number 06-014E)

Filed with the Publisher: October 1, 2008, 4:08 p.m.

Small Business Regulatory Coordinator

Megan Abraham, Division of Entomology and Plant Pathology, Department of Natural Resources, Indiana Government Center South, 402 West Washington Street, Room W290, Indianapolis, IN 46204, (317) 234-5182, mabraham@dnr.in.gov

Document History

LSA Document #08-413(F)

Notice of Intent: 20080528-IR-312080413NIA

Proposed Rule: 20080709-IR-312080413PRA

Hearing Held: August 18, 2008

Approved by Attorney General: September 29, 2008

Approved by Governor: September 30, 2008

Filed with Publisher: October 1, 2008, 4:08 p.m.

Documents Incorporated by Reference: None Received by Publisher

SMALL BUSINESS REGULATORY COORDINATOR RECORD

On November 13, 2008, the Small Business Regulatory Coordinator, Megan Abraham, filed the following report:

We have received one call from a lumber company called Pike Lumber on July 23, 2008 asking about the change in the quarantine and how it would effect the movement of ash materials through Indiana. We explained that they would be able to move materials as long as they met the requirements of the rule. They seemed very willing to comply.

Our office continues to receive phone calls from the public on a daily basis with questions regarding the quarantine. All questions regard how they will be able to move materials that may be regulated from one part of the state to another. In all cases we are able to either explain that they are in an area of the state that is not quarantined or direct them to a field staff member that is able to draw up a compliance agreement so that a small business or member of the public is able to move their materials in compliance with the rule. To date there are over 170 active Emerald Ash Borer compliance agreements to assist small businesses and members of the public move regulated materials in compliance with the rule.

We have not had any complaints from small businesses in regards to the rule. In fact we find that the majority of small businesses and members of the public appreciate our efforts to establish a quarantine if for no other reason than to make them aware of the infested areas and where the insect has moved within Indiana. The majority if not all of the questions we receive from the public are about how they can cooperate with the quarantine to ensure that the actions they take do not further distribute the pest. With this information they are able to determine how far the insect is able to move and educate other members of the public as to the damage the insect can cause.

At this point we are working on a press release to notify the public that the rule has been passed and the quarantine is effective as of October 31, 2008. Each time a press release is issued we do receive plenty of calls with questions- so we will probably receive more calls from small businesses in the near future.

NATURAL RESOURCES COMMISSION MEETING

The Natural Resources gave final adoption to LSA Document #08-413(F) at its September 16, 2008 meeting. No public comments were received at this meeting.

Excerpt from Hearing Officer Report dated August 20, 2008:

...

2. Report of Public Hearing

The public hearing was convened as scheduled on August 18, 2008. No member of the public appeared for the public hearing. No comments have been received throughout the rule amendment process.

...

TITLE 312 NATURAL RESOURCES COMMISSION

Final Rule
LSA Document #08-413(F)

DIGEST

Amends **312 IAC 18-3-18**, pertaining to entomology and plant pathology, to regulate the emerald ash borer (*Agrilus planipennis*), a pest or pathogen, to provide standards for quarantine, and to add counties and townships to the quarantine area. Effective 30 days after filing with the Publisher.

312 IAC 18-3-18

SECTION 1. **312 IAC 18-3-18** IS AMENDED TO READ AS FOLLOWS:

312 IAC 18-3-18 **Control of the emerald ash borer**

Authority: **IC 14-10-2-4; IC 14-24-3**

Affected: **IC 14-24**

Sec. 18. (a) The emerald ash borer (Coleoptera: Buprestidae: *Agrilus planipennis*) is:

- (1) a pest or pathogen; and ~~is~~
- (2) regulated under this section.

(b) The definitions in **312 IAC 1**, **312 IAC 18-1**, and as follows apply throughout this section:

- (1) "Certificate of inspection" means a document issued or authorized to be issued by the state entomologist or the U.S. Department of Agriculture to allow the movement of a regulated article to any destination. A certificate may be in any form approved by the state entomologist or the U.S. Department of Agriculture for this purpose, including a phytosanitary document or multiple use quarantine certificate.
- (2) "Compliance agreement" means a written agreement between the department or the U.S. Department of Agriculture and another person that authorizes the movement of regulated articles under this section and other stated conditions.
- (3) "Eradication area" means the area including all plants infected by the emerald ash borer and any other ash species within one-half (1/2) mile radius of an infected plant.
- (4) "Infested area" means a site where:
 - (A) the emerald ash borer is present; or ~~where~~
 - (B) circumstances make it reasonable to believe that the ash borer is present.
- (5) "Inspector" means a division inspector or a person authorized by the U.S. Department of Agriculture authorized to enforce this section.
- (6) "Move" means to:
 - (A) ship;
 - (B) offer for shipment;
 - (C) receive for transportation;
 - (D) transport;
 - (E) carry; or
 - (F) allow to move or ship.

(c) The following counties include an infested area and are regulated under this section:

- (1) The following townships in Adams County:
 - ~~(1) Clay~~ (A) Blue Creek Township. ~~and Van Buren Township in LaGrange County.~~
 - ~~(2) Jamestown~~ (B) French Township. ~~and Millgrove Township in Steuben County.~~
- (C) Hartford Township.
- (D) Jefferson Township.
- (E) Kirkland Township.

- (F) Monroe Township.
- (G) Preble Township.
- (H) Root Township.
- (I) St. Marys Township.
- (J) Union Township.
- (K) Wabash Township.
- (L) Washington Township.
- (2) The following townships in Allen County:
 - (A) Aboite Township.
 - (B) Adams Township.
 - (C) Cedar Creek Township.
 - (D) Eel River Township.
 - (E) Jackson Township.
 - (F) Jefferson Township.
 - (G) Lafayette Township.
 - (H) Lake Township.
 - (I) Madison Township.
 - (J) Marion Township.
 - (K) Maumee Township.
 - (L) Milan Township.
 - (M) Monroe Township.
 - (N) Perry Township.
 - (O) Pleasant Township.
 - (P) Scipio Township.
 - (Q) Springfield Township.
 - (R) St. Joseph Township.
 - (S) Washington Township.
 - (T) Wayne Township.
- (3) The following townships in Dekalb County:
 - (A) Butler Township.
 - (B) Concord Township.
 - (C) Fairfield Township.
 - (D) Franklin Township.
 - (E) Grant Township.
 - (F) Jackson Township.
 - (G) Keyser Township.
 - (H) Newville Township.
 - (I) Richland Township.
 - (J) Smithfield Township.
 - (K) Spencer Township.
 - (L) Stafford Township.
 - (M) Troy Township.
 - (N) Union Township.
 - (O) Wilmington Township.
- (4) Concord Township in Elkhart County.
- (5) The following townships in Hamilton County:
 - (A) Clay Township.
 - (B) Delaware Township.
- (6) The following townships in Huntington County:
 - (A) Clear Creek Township.
 - (B) Dallas Township.
 - (C) Huntington Township.
 - (D) Jackson Township.
 - (E) Jefferson Township.
 - (F) Lancaster Township.
 - (G) Polk Township.

- (H) Rock Creek Township.
- (I) Salamonie Township.
- (J) Union Township.
- (K) Warren Township.
- (L) Wayne Township.
- (7) The following townships in LaGrange County:
 - (A) Bloomfield Township.
 - (B) Clay Township.
 - (C) Clearspring Township.
 - (D) Eden Township.
 - (E) Greenfield Township.
 - (F) Johnson Township.
 - (G) Lima Township.
 - (H) Milford Township.
 - (I) Newbury Township.
 - (J) Springfield Township.
 - (K) Van Buren Township.
- (8) The following townships in Marion County:
 - (A) Lawrence Township.
 - (B) Washington Township.
- (9) The following townships in Noble County:
 - (A) Albion Township.
 - (B) Allen Township.
 - (C) Elkhart Township.
 - (D) Green Township.
 - (E) Jefferson Township.
 - (F) Noble Township.
 - (G) Orange Township.
 - (H) Perry Township.
 - (I) Sparta Township.
 - (J) Swan Township.
 - (K) Washington Township.
 - (L) Wayne Township.
 - (M) York Township.
- (10) Westchester Township in Porter County.
- (11) White River Township in Randolph County.
- (12) The following townships in St. Joseph County:
 - (A) Harris Township.
 - (B) Portage Township.
- (13) The following townships in Steuben County:
 - (A) Clear Lake Township.
 - (B) Fremont Township.
 - (C) Jackson Township.
 - (D) Jamestown Township.
 - (E) Millgrove Township.
 - (F) Otsego Township.
 - (G) Pleasant Township.
 - (H) Richland Township.
 - (I) Salem Township.
 - (J) Scott Township.
 - (K) Steuben Township.
 - (L) York Township.
- (14) The following townships in Wabash County:
 - (A) Chester Township.
 - (B) Lagro Township.
 - (C) Liberty Township.

- (D) Noble Township.
- (E) Paw Paw Township.
- (F) Pleasant Township.
- (G) Waltz Township.
- (15) The following townships in Wells County:
 - (A) Chester Township.
 - (B) Harrison Township.
 - (C) Jackson Township.
 - (D) Jefferson Township.
 - (E) Lancaster Township.
 - (F) Liberty Township.
 - (G) Nottingham Township.
 - (H) Rock Creek Township.
 - (I) Union Township.
- (16) The following townships in White County:
 - (A) Liberty Township.
 - (B) Union Township.
- (17) The following townships in Whitley County:
 - (A) Cleveland Township.
 - (B) Columbia Township.
 - (C) Etna-Troy Township.
 - (D) Jefferson Township.
 - (E) Richland Township.
 - (F) Smith Township.
 - (G) Thorncreek Township.
 - (H) Union Township.
 - (I) Washington Township.

(d) The following items are regulated articles:

- (1) The emerald ash borer in any living stage of development.
- (2) Any ash tree (*Fraxinus* spp.), including nursery stock.
- (3) A limb, stump, branch, or debris of at least one (1) inch in diameter of an ash tree.
- (4) An ash log, slab, or untreated ash lumber with bark attached.
- (5) Composted and noncomposted ash chips and composted and noncomposted ash bark chips at least one (1) inch in diameter.
- (6) An article, product, or means of conveyance reasonably determined by the state entomologist to present the risk of the spread of the emerald ash borer.
- (7) Cut firewood of any nonconiferous species originating from a regulated area.

(e) A person must not move a regulated article outside an infested area except under the following conditions:

- (1) An inspector issues a certificate of inspection following a thorough examination of the regulated article and any treatment method. The certificate must be properly supported by a determination by the inspector, or by a grower or shipper authorized to conduct an inspection under a compliance agreement, that no life stage of the emerald ash borer is present. A certificate may be conditioned upon the completion of treatments administered under methods approved by the state entomologist or by a United States federal officer authorized by the state entomologist.
- (2) A certificate of inspection is attached to any regulated article or to a shipping document that adequately describes the regulated article. The certification must remain attached until the regulated article reaches its destination.

(f) A person must not move a regulated article originating outside an infested area, through a county regulated under subsection (c), without a certificate of inspection for the emerald ash borer, except under the following conditions:

- (1) From September 1 through April 30, or when the ambient air temperature is below forty (40) degrees Fahrenheit, if the person does not stop except to refuel or for traffic conditions.

(2) From May 1 through August 31 when the temperature is forty (40) degrees Fahrenheit or higher if the article is:

(A) shipped in an enclosed vehicle; or

(B) completely enclosed by a covering adequate to prevent access by the emerald ash borer.

(3) The point of origin of the regulated article is indicated on the bill of lading or shipping document.

(4) The regulated article is moved within Indiana by approval of the state entomologist for scientific purposes.

(5) The article is not combined or commingled with other articles so as to lose its individual identity.

(g) A regulated article originating outside a regulated area that is moved into a county regulated under subsection (c) and exposed to potential infestation by the emerald ash borer is considered to have originated from a regulated area. A person must not move the regulated article from the regulated area except under subsection (e).

(h) A person must not move a regulated article from an infested area through any nonregulated area to a regulated destination without a certificate of inspection for emerald ash borer, except under the following conditions:

(1) From September 1 through April 30, or when the ambient air temperature is below forty (40) degrees Fahrenheit, if the person does not stop except to refuel or for traffic conditions.

(2) From May 1 through August 31 when the temperature is forty (40) degrees Fahrenheit or higher, if the article is:

(A) shipped in an enclosed vehicle; or

(B) completely enclosed by a covering adequate to prevent the escape of any emerald ash borer.

(3) The county and state of origin and the final destination of the regulated article is indicated on the bill of lading or shipping document.

(i) The bill of lading or shipping document accompanying any shipment of regulated articles in Indiana must indicate the county and state of origin of the regulated articles.

(j) A person who moves a regulated article in violation of this section must move or destroy the article, at the person's or owner's expense, as directed by the state entomologist.

(k) The state entomologist may issue a special permit for the movement of the emerald ash borer into or within Indiana for research purposes. The permit may, by express language, exempt the permit holder from conditions of this section.

(l) Uncomposted ash chips and uncomposted ash bark chips ~~are~~ not larger than one (1) inch in diameter are exempted from the requirements of this section.

(m) Any ash species within the eradication area shall be removed and rendered incapable of supporting a life stage of the emerald ash borer.

(n) Regulated articles from another infested state or any part of a state infested with the emerald ash borer are prohibited entry into Indiana without an accompanying certificate of inspection or phytosanitary document issued by the U.S. Department of Agriculture or the plant health regulatory agencies of the originating state.

(o) Harvest for timber or other use of the wood of any non-ash forest species within the eradication area is prohibited until after:

(1) all ash has been removed; and

(2) the site is released by the state entomologist or his or her designee.

(p) A person must not move ash, in any form, from the eradication area without a compliance agreement signed by the state entomologist or his or her designee.

*(Natural Resources Commission; **312 IAC 18-3-18**; filed May 25, 2005, 10:00 a.m.: 28 IR 2942; readopted filed Sep 19, 2008, 10:23 a.m.: **20081008-IR-312080076RFA**; filed Oct 1, 2008, 4:08 p.m.: **20081029-IR-312080413FRA**)*

LSA Document #08-295(F)

(Administrative Cause Number 07-145L)

Filed with the Publisher: March 2, 2009, 1:22 p.m.

Small Business Regulatory Coordinator

Tom Flatt, Aquatic Habitat Coordinator, Department of Natural Resources, Division of Fish and Wildlife, Indiana Government Center-South, 402 West Washington Street, Room W273, Indianapolis, IN 46204, (317) 232-4093, tflatt@dnr.in.gov

Document History

LSA Document #08-295(F)

Notice of Intent: [20080423-IR-312080295NIA](#)

Proposed Rule: [20080716-IR-312080295PRA](#)

Hearing Held: August 21, 2008

Approved by Attorney General: February 25, 2009

Approved by Governor: March 2, 2009

Filed with Publisher: March 2, 2009, 1:22 p.m.

Documents Incorporated by Reference: None Received by Publisher

SMALL BUSINESS REGULATORY COORDINATOR RECORD

On March 3, 2009, the Small Business Regulatory Coordinator, Tom Flatt, filed the following:

Thanks. I've not heard anything from anybody yet.

NATURAL RESOURCES COMMISSION MEETING

The Natural Resources gave final adoption to LSA Document #08-295(F) at its January 13, 2009 meeting. Public comments were received at this meeting as follows:

...

Mark Ennes said he was the “immediate past president” of the LTPOA. He recognized and thanked Tom Flatt and DNR staff for their assistance, as well as Steve Lucas for conducting the public meeting. He said at the initial stage of the rule amendment process, the LTPOA’s primary focus in establishing the watercraft zone was environmental. “As time has gone on, we have also realized that there are some safety issues here, too. In light of that, I have some specific suggestions as far as what the size” of the restricted watercraft zone. As a result of additional research by Tom Flatt, “it has become increasingly evident that the depth of Lake Tippecanoe is much shallower” than what the LTPOA initially believed. “If we have a 500-foot area of the ecozone, I think it is very appropriate, because it is still very shallower there. To go to the 200-foot, as some have suggested, puts that water depth at two feet.”

Ennes said that comments were received regarding “Little Tippe” suggesting “we only have a 50-foot area there from the perceived shoreline. That’s probably the biggest issue on Tippecanoe Lake and James Lake is the perceived shoreline.” He said that he has observed many skiers within 200 feet of the perceived shoreline. “I would like to see that that issue there again is for 200 feet from the perceived shoreline for both an environmental and safety standpoint, and “200 feet would be consistent with state law.”

David Swart, current President of the LTPOA, said he agreed with Ennes on the 500-foot zone on Tippecanoe Lake and the 200-foot zone on “Little Tippe. Our biggest concerns are the 500-foot level even on Big Tippe, it has become evident on a safety issue as far as the depth of water, but also keeping boats from the prop wash and wave action we will get if we move any closer than 200 feet.” He added “a lot of money” has gone into this project, and “we would like to see this move forward.” Swart said he has approval from the LTPOA Executive Board that the LTPOA “will be in a position to remove the buoys in the fall. DNR will establish [the buoys] in the spring of this year as approved.” He also noted that the LTPOA has two patrol boats, one equipped with a GPS unit, “to periodically check [the location] of those buoys, probably on a weekly basis, if necessary if we saw anything moving.” Swart said the LTPOA would also provide any necessary maintenance required.

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Excerpt from Hearing Officer Report dated December 2, 2008:

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B. Report of Public Hearing

Approximately 100 persons attended the public hearing scheduled in the rule adoption for August 21, 2008 in North Webster, Kosciusko County. The hearing officer outlined the procedures for rule adoption. Tom Flatt, Aquatic Habitat Coordinator in the DNR's Division of Fish and Wildlife, made a 20-minute presentation on the reasoning for the rule proposal. Citizen comments followed, and they are summarized as follows:

Robert Ragland said he had previously written to the Commission. [See Ragland in "Other Comments" below dated January 22, 2008.] He expressed the perspective that there were a variety of causes for water quality problems and siltation on Tippecanoe Lake and questioned why the ecozone was being pursued. He asked if there has been "a study on the boat problem or is it a mute swan problem, or other kind of fowl?"

Tom Flatt responded that the proposed Tippecanoe Lake ecozone is a small part of the effort that is needed for "addressing those broader issues of water quality, nuisance algae production and vegetation all across the lake. That's why you have to deal with the whole watershed. This ecozone is just one part of it. This is not going to solve the problems of the lake.

Ragland contended that the Tippecanoe Lake's water quality has improved, and he said he was "against" the rule proposal. "I just don't think there is scientific or statistical data. There hasn't been an objective study here that says, 'This is the problem. This is the solution.' If you've got that, I'm all for it."

Joe Tynan said, "I am in favor of giving this opportunity a test."

Jerry Metz said, "I think it's a good idea enhancing the environment. I can't see anything bad about it."

Holly LaSalle said she had previously written to the Commission. [See LaSalle in "Other Comments" below dated August 7, 2008.] "I'm a strong proponent and behind the idea 100%." She repeated concerns expressed in written comments for the three or four landowners who live adjacent to the proposed restricted boat zone. She said accommodation had to be made for those landowners to get to and from the lake.

Bob Schmidt said he was also in favor of the ecozone. He expressed agreement with Holly LaSalle's concerns for the three adjacent property owners to get to and from their properties. "We need to take care of that."

Ted Beer said he lives across the lake from the proposed ecozone. He said that after busy weekends, "You can see all the chopped off plants and what-have-you on my sandy beach. In fact, now you can't even see the sand. As a result of the weeds dying and providing nutrients for the algae, I have all kinds of algae there. Last year I made an attempt to alleviate that and bring it back to ground zero where I could maintain it. I spent \$1,800 to have an area, 20 feet wide by 20, removed from all the sludge. I actually had a sandy beach when they were done. On that next day, on a Saturday, I couldn't see my beach anymore. There were four inches of weeds, chopped off weeds. I am in favor of the proposal, but don't deny access to the neighbors."

Jim Newcombe said he was "generally supportive" of the ecozone. But he added that everybody followed the perceived shoreline, not the legal shoreline, and "I see no reason for the buoys there on James Lake. We all respected the channel. It's an idle zone. The difficulty I have is the ingress and egress of the fishermen with the idle only instead of a trolling motor. I see absolutely no reason to have a trolling motor

only on the 500 feet. In fact, my trolling motor sits just as deep as my 15-horse power outboard does. It's going to churn up at the same rate as an outboard does at idle speed. By the same token, idle speed is idle speed. It doesn't make any difference whether it's by an electric motor or a gasoline motor as far as wave generation and potential damage. I don't believe the potential damage aspect will be helped by an idle zone in the 500 foot area, because the prevailing wind is out of the west. Those of us who live on this lake know that the westerly winds exacerbate erosion of the Ball Wetlands. Further, I believe you might have 200 feet from the perceived shoreline idle zone only, not the 500 foot trolling motor." Newcombe noted that the proposal calls for 20 buoys and asked, "I would like to know who is going to be responsible for placing the buoys and the cost of them?" He summarized by saying, "I would like to see changed instead of having 500-foot trolling motors only on Lake Tippecanoe changed to 200 feet idle only."

Tom Flatt said that the buoys would be purchased by the DNR's Division of Law Enforcement. The property owner's association would be responsible, however, for putting out and retrieving the buoys.

Newcombe responded that he was a member of the Lake Tippecanoe Property Owners Association, Board of Directors, and was not aware of its assuming responsibility for placement of the buoys. He said "it was presumptuous" of the Department to expect the Association would place the buoys, especially because of the need to place the buoys by "GPS location".

Phil Hoy said he was "generally opposed" to the proposed ecozone. "I keep hearing we have this problem, but I have not seen that problem measured." He said he was "not convinced" the Ball Wetlands were eroding. "We are growing new land over there. Clearly it's gaining not eroding." He added, "You haven't shown me a measurement on how this is getting worse." Hoy said that "a number of years ago" the lake started "filling up with silt. That's not an eroding problem; that's runoff problem. It's not going to address this issue. I think you have a solution to a circular problem. You haven't been able to show me data. I was hoping to see it today. You haven't shown me any measurements. You haven't shown me any data. You are just showing me you want to take away the lake from the people. There is absolutely nothing wrong with 200 feet as the way it is today, if you would just enforce it. I heard 500 feet on both sides. I have a vested interest in this." Tom Flatt claimed the 500-foot idle zone creates a "safety issue for those people who wish to ski. Hoy contended that, instead, the proposed ecozone would generate a safety problem. "You choke down traffic into a much smaller area."

Carolyn Schoettner stated, "I have no problem with the 200 feet in James Lake from the perceived shoreline all around the lake and would like to see it enforced." She expressed the opinion that buoys were needed to help deter personal watercraft and some other boats from being operated at high speeds near the shore. Schoettner said her father "years ago cooperated" with the Department "to cut down saplings and put flags all the way around the lake to mark off the 200-foot area." If the Lake Tippecanoe Property Owners Association was unwilling to help place and remove buoys, there were other citizens who could.

Eric Ellingson said he was contracted by landowners and property owners on James Lake to review the *Ecozone Feasibility, Lake Tippecanoe Kosciusko County, Indiana* conducted in 2007 by Williams Creek Consulting, Inc. Ellingson said he was President of Earth Source, Inc. and Heartland Restoration Services, Inc., a certified professional geologist, and professional wetlands scientist. He has been the "principle or co-author of more than 25 lake and watershed studies, including the first feasibility and design projects through the Lake and River Enhancement Program (LARE). Essentially, in the review of report, there were a couple of items that I did find concern with." Ellingson noted ecozones were not a new idea. "They have been in place back 20 years ago when we did a study for Lake Manitou. We recommended the use of a buffer around a wetland. They are a proven and efficient means for lake enhancement." The Williams Creek feasibility study for Tippecanoe Lake and James Lake had "some misleading information", however. He said that there are "other reasons for algal blooms and very plausible" reasons for the algal blooms "versus simply the loss of vegetation in the Ball Wetlands."

Ellingson said the extent of the ecozones is also "something that I think is worthy of a little more justification. The study does not provide any basis for the 200 width on the James Lake side nor does it provide any real justification for the 500 width on the west side of the Ball wetlands." He said the depths provided by several property owners "definitely conflicted" with the water depths provided in the earlier

study and showed areas more than six feet or two meters of depth as little as 200 feet out from the shoreline on the west side. “To create an ecozone out well beyond that conflicts a bit with the objective of an ecozone, if that is to protect the vegetation of the Ball wetlands and for the re-establishment” of native plant species. Williams Creek had looked at “different means to do restoration, but whether it’s a pallet, coir logs, or concrete piers, those costs are going to be different and higher than the simple throw in a plug every 5-foot on center. Having done this, for again 20 years, plugging in a lake or any type of uncontrolled system, five foot on center is not going to regenerate that vegetation.” He concluded, “The objectives and recommendations of replanting and reestablishment definitely need to be looked at a little more critically. And I suggest there is reason to re-evaluate or at least clearly define the reasons for the widths on the James Lake side because the depths are well in excess of six or eight feet. Where is the benefit of the ecozone there? On the west side of the Ball Wetlands, if we are in excess of two meters or greater than six feet, the benefit of the ecozone is questionable.”

Eric Ellingson said the draw down to winter pool is a “very standard lake management tool for aquatic vegetation control. You do the draw down to freeze it out or to consolidate sediment.” On the other hand, one result following the “initial drawdown is a release of nutrients back into the water column where you have a lot of plants that were froze out by the drawn down activity.” The result may be in an algal bloom. “One management tool may be good, but it may have the result of short-term algal blooms.”

Ellingson also provided written comments during the public hearing as follows:

Eric P. Ellingson, C.P.G., P.W.S.
President, Earth Sourt Inc., and Heartland Restoration Services, Inc.
14921 Hand Road
Fort Wayne, IN 46818

Introduction: Review Williams Creek study for property owners on James Lake.

Qualifications: President and Senior Wetland Scientist for *Earth Source* and *Heartland Restoration Services*, Certified Professional Geologist, Professional Wetland Scientist. Principle or co-author of more than 25 lake and watershed enhancement studies in Indiana for public and private lakes including the first feasibility study and first design for LARE program.

Concerns: The use of buffer areas to protect sensitive aquatic habitats is not a new concept. Although not called “ecozones” at the time, we had proposed buffer areas to sensitive wetlands on Lake Manitou 20 years ago. Ecozones are a proven and important tool in lake management.

It’s always easier to review another’s work and to find flaws or areas that could have been more clearly studied or defined. I am not bound by the same objectives or limitation as the principle investigators. This allows me to consider alternatives outside of the objectives of the report. My comments are not in opposition to ecozones; to the contrary I am in favor of wee-conceived and substantiated ecozones. My concern is the rational, in part, may be flawed, the extent without basis and the expectation unrealistic.

Algal Blooms: Alternative nutrient sources or causes of the algal blooms, specifically floating blue-green algal mats in the area of Ball Wetlands were not considered or not presented in the report. The recent blooms may not be indicative of wetland loss. The recent blooms also correspond to an extended drought cycle. Runoff events associated with periods of drought are known for first flush events, which are excessively high in nutrients, a principle cause of algal blooms. The wetland themselves may be responsible, in part, to the export of nutrients into the lake resulting in algal blooms. Nitrogen and to a greater extent phosphorus are released during senescence and periods of stress (drought). The resulting phosphorus bomb is a well-documented cause of algal blooms.

Extent of Ecozone: the extent of the ecozone is my primary concern. The study does not provide any basis for the 200 foot no motorized boat zone on the east side of the Ball Wetlands or the 500

foot no motorized boat zone on the west side of the Ball Wetlands. Data presented to me by lake residents indicate water depths in the “Flats” in excess of 2 meters beyond 250 feet west of the Ball Wetlands. Depths greater than 2 meters are indicative of deep-water aquatic habitat, which does not support emergent or floating leaf aquatic vegetation. The objective of the ecozone is to protect, buffer through vegetation and reestablish emergent or floating leaf aquatic vegetation in the Flats and Ball Wetland. If water depths preclude the establishment or growth of the desired aquatic vegetation, what is the purpose of the ecozone in this area?

Restoration Feasibility: Through *Earth Source* and *Heartland Restoration Services* I have designed and implemented numerous lacustrine wetlands for bank stabilization, wave attenuation and water pollution control. Based upon this experience, species identified in the planting plan and suitable water depth associated with these species, it is assumed that the planted buffer would extend 100 to 150 feet from the existing wetland edge. The report did not provide a planting plan to more clearly define the extent. Plant spacing of 5 foot on center is very optimistic, 2 foot spacing is more realistic for successful establishment. Use of planted coir is mentioned should be considered mandatory for successful establishment. It is not realistic to assume that depths greater than 1 meter will readily be reestablished. Extending the ecozone as much as 300 feet beyond what is practical to buffer or restore is excessive without further documentation and justification.

Stephen Snyder, a Syracuse attorney, said he represented Dan and Pam Ott and several other owners of lakefront property on James Lake. He provided the hearing officer with a prepared document which he said contained a “significant number of signatures clearly in opposition” to the proposal.

Snyder continued, “I would like to look at this a little more philosophically and ask the Commission to look at it a little more philosophically.” The Commission derives its authority to implement the proposed rule by statute. “Now that statute is one that has been around since 1947, but keeps being interpreted either narrow or broad by the courts depending on what the issue is.” Snyder quoted from IC 14-26-2-4 of the Lakes Preservation Act: “The natural resources and the natural scenic beauty of Indiana are a public right and the public of Indiana has a vested right from the following: (A) the preservation, protection, and enjoyment of all of the public freshwater lakes of Indiana in their present state.” He said, “I don’t know if that means now or 1947” and continued reading from section 4(c)(2)(B): “The use of the public freshwater lakes for recreational purposes.” He urged, “We have a direct conflict between preserving and allowing the use of the lakes for recreation to the extent those two interfere. That’s the decision that the Commission needs to make in this particular situation, and that is, what is a reasonable limitation on recreational use and what is a reasonable effort for preservation, not restoration, because the statute doesn’t say that.”

Snyder suggested that the Commission’s decision is made “more difficult from the standpoint of implementing a very wide ecozone” by subsection 4(d) which states, “The state holds and controls all public freshwater lakes in trust for the use of all the citizens in Indiana for recreational purposes.” The Commission has to look at the recreational purposes and “simply can’t ignore” those purposes. “That’s probably a difficult burden, but it’s a burden that shouldn’t be undertaken unless there is adequate evidence to support what is being proposed here, in particular the 500-foot ecozone on the west side of the Ball Wetlands. He said that the new depth studies provided by Tom Flatt at today’s public hearing indicates it is “clear sedimentation has occurred, but there is nothing to indicate that sedimentation is based to any extent on boat action removing vegetation. More than with westerly prevailing winds, 62% of the time, that’s coming from whatever sedimentation is suspended in the lake during any weekend use simply moving from the east end of the lake by virtue of prevailing winds. That would be a more logical statement than to say the boats go up and the waves chop up the ‘floating bog’, as I like to refer to it, and remove the lily pads, and therefore we have more sand. Well, that still doesn’t explain where the sand, the muck, or the partially suspended solids are coming from.”

Snyder said the 500-foot buffer is for trolling motor only. He said his 16-foot fishing boat with a trolling motor has 80 pounds of thrust. “I can chew up just as many weeds with my trolling motor as I can with my 30-horse Honda on the back of the boat. So, what’s the difference? Why allow trolling motors?” Snyder said that if restoration of the area on the west side of the Ball Wetlands is DNR’s objective, “restore it within that reasonable distance that’s been shown to have deteriorated over the last 70 years because that’s

when the studies are available for 1938 to 2008. I don't think you will find that there has been 200 feet of loss of any form of vegetation on the west side of the Ball Wetlands. Restrict an idle zone at 200 feet from the perceived shoreline. Lt. Sullivan can justify that on a safety basis alone because of the depth and then see what happens over the next five years as you conduct your studies." He said if the studies show some revegetation taking place, "I would guess it's going to be very close to the wetlands."

Snyder said the east side of the Ball Wetlands is "even more problematic because the Williams Creek study clearly revealed that there has been no loss of any of the floating bog from 1938 to 1978.... You compare the aerial photos from the county from 1938 to 2008, the perceived shoreline is exactly the same." He said James Lake is "much smaller" than Tippecanoe lake and is also used to a "very great extent by skiers because it is usually calmer. Why would you want to give Lt. Sullivan greater headaches by narrowing that by 200 feet? If you want to protect the floating bogs from wave action, there has been no study to indicate that 200 feet gives any more protection to that floating bog than does 50 feet. Right now, I would guess the average skier is going no closer to than 50 feet to that floating wetland. And, therefore, if there has been no deterioration in 70 years, how can we expect all of this massive deterioration to occur from this point forward. There is no evidence that it has ever occurred."

Snyder suggested limiting the idle zone on the east side of the Ball Wetlands to a 50-foot distance, limiting the idle zone on west side of Ball Wetlands to 200 feet, and observing what happens. "The same thing applies adjacent to Hoy's Landing. Why restrict this? There has been no indication that the boats are, in fact, what's causing the problem." He added there is no study to indicate the cause of the algal blooms.

Snyder said that wave action and wind action are "very similar". He said wave action from boats is applicable "about 2% to 3%, maybe 4% of the total time of any given year. You look at the prevailing winds at 62% with a westerly component then you have that as being the major significant effect on the far-east end of Big Tippy." Snyder said the 1938 aerial photo does not indicate "nearly the deterioration that I hear people talking about." Between 1996 and 2005, the Ball Wetlands has "grown in some places depending upon exactly how the GIS aerial photos compare it." There has been some loss on the west side, but the loss has been minimal.

Snyder said the "algae factor seems to be the other great concern both for the property owners and the DNR, yet there have been no studies to determine the cause. Is it something coming down from Webster Lake? Is it something coming down the Barbee Chain? Is it some particular action or reaction generated by excessive runoff from agricultural uses?" He concluded, "If there has been an excessive drop in the level of the lake during the winter, that drop has a biological effect which can result in the creation of additional algal growth. So, where is all the evidence that says the algae problem you are encountering has something to do with what really is a pretty minimal loss by photographic evidence of the west side wetlands. There has been zero loss from James Lake side."

Bob Showalter asked whether the buoys on the west side of the Ball Wetlands would be placed 500 feet from the wetlands into five feet of water. Flatt responded that the buoys would be placed in about four feet of water. Showalter said the proposed buoy locations would be a safety issue that the Department "ought to consider. I would never take a boat—skier or no skier—in five feet of water, so that might be a safety issue for people that are in boats." Flatt continued that the second reason for the proposed ecozone is public safety, "500 feet out but only four feet of water."

Thomas Warner said he lives on James Lake and has been coming to the lake since childhood, a period of more than 60 years. "The biggest thing I ever noticed is the amount of silt that comes into the lakes. I'm thinking that you are talking about all of the lakes getting shallower at different spots. I think you ought to take a good look at where the silt is coming from, which I propose it is coming from more from farmland than it is from being stirred up around the lake. I think there are parts of the lake that I can remember that were deeper. You could see the bottom of the lake and you could see the natural vegetation growing there. You can't see that anymore, that's because it is all covered by the silt that's been coming into the lake."

Jerry Roades asked if evaluation results are favorable at the end of the “five-year sunset period” is there a continuation of the zones or would additional zones be established around the lake? “If the zones show little or no improvement, does that mean the project will cease?”

The hearing officer responded if a rule contains a five-year sunset clause, the result is “at the end of five years the rule goes away, but there could be a new hearing process where pretty much anything you said could happen. At the end of five years, you would basically start all over again.” The ecozone could be continued or even expanded, “but there would be no continuation without a new rule adoption and hearing process.”

Mary Adams said she was opposed to the proposed rule “for all the reasons that have already been given” by Stephen Snyder. “It looks like we have a solution here looking for a problem.” Adams said she lives on James Lake across from the proposed ecozone. “I don’t want to have to look at buoys. Almost all the boaters are already staying out of 200 feet. There are a few who want to endanger their lives by going a little closer but not closer than 50 feet I’m sure.” She noted that winter ice goes “breaks some of that land away, but we already have a lot more land there than what was originally started. I wish we would just save the taxpayers some money and drop it.”

Gary Adams said he lives on the south end of James Lake. The buoys “may work and may not, but we don’t have law enforcement out there on the lake, and not just between 10:00 and 4:00 in the afternoon, if we don’t have early morning enforcement and late evening enforcement, I don’t see the benefit.”

Richard Prescott said the proposed narrowing of the north area of James Lake would cause a safety problem on weekends, “because all the boats come through here, and we are talking about probably 40 boats coming through in an hour and going back the other way.” He said the proposed buoys could remain to the east. He said the proposal “completely” disregards a swimming area that is occupied by 50 or 60 boats every weekend. He suggested the area be limited to idle speed “as long as you can swim.”

Marty Long, representing the Baptist Camp on James Lake, said he was opposed to the proposed ecozone on James Lake. He said his parents “worked hard to get the Ball Wetlands bought to be preserved. About 35 years ago, James Lake was measured to being too small to have motor boats on.” He said a study was conducted that concluded an area “clear back in the wetlands was needed to make [James Lake] big enough to ski on. But now the DNR wants to come in and say we are not going to use that area there that we had to have to bring it back to boating. We are going to take that plus 200 feet more and take it away from boating.” Long said he did not “want to do away with the Ball Wetlands or see them erode, but the proposed ecozone would “make a safety issue” on James Lake.

Tim Cassell said he wanted to address “safety coming out of the channel. Any distance there that pushes the boats out into the northern bay of James Lake, I think, makes a safety hazard instead of improving a safety condition. If that happens, when you are skiing around that part of the lake, right now there have been times where I literally had to shut my boat down with a skier to keep from getting too close to people that are coming from the channel on a busy weekend. Restrictions like that, I think, there needs to be some data that talks about how many boating accidents we’ve had, how many people have run into each other in the channel or in that area, to say we need a restriction. I haven’t seen any data to that effect.”

Steve Ventz said he lives on James Lake and “sees the proposed ecozone as a “big safety issue on north end of lake.” He said a shallow area was located at the end of his pier which used to support aquatic vegetation. “That vegetation disappeared in the last five years; it disappeared from ice.” He said the lake level is lowered in the fall. “You see the ice break up in the spring and it’s just like a big bulldozer. The ice comes across and bulldozes the vegetation right off the top of that shallow spot.” Ventz said boats have come within 20 feet of his pier in 1½ feet of water. “I see it as a big safety issue.”

Mark Boggs said he also lives on James Lake and “agrees” with Ventz’s comments. He said “the ecozone just won’t work. It would be too rough.”

Wayne Johnson said he “pretty much agreed” with a reduction in the width of the proposed ecozone from 500 feet to 200 feet on the west side of the Ball Wetlands. “One issue that I think that somebody is missing is this area just to the west of Grassy Creek that’s going to be 200 feet off shore there.” He said that “many times” boaters cross the shallow area heading towards the wetlands and “then all of the sudden they hit 500 feet. What’s going to happen? They are going to be right smack into buoys.” Johnson said he does not agree with trolling-motors only. “I think big motors can run in there. They are going to run idle anyway.”

Wayne and Susan Johnson, Leesburg, also submitted the following written comment at the public hearing:

Over the past several months, we have been bombarded with numerous letters and information regarding the proposed ecozones on Lake Tippecanoe, James Lake and the connecting channel; all of which surround the area known as Ball Wetlands. Reviewing all the various proposals, ideas and changes makes me wonder how much time and money will be spent on enforcement and the planting of “native” vegetation. Let me state at this time that I am in favor of a restricted area around Ball Wetlands, including the channel between the lakes. I am aware that there is a difference between the “legal” shoreline and what exists as the “actual or perceived” shoreline.

My objection to the proposal is the area on the west side of Ball Wetlands. I suggest that both east and west sides of the wetland be protected with a “standard” 200 foot idle zone using the “actual or perceived” shoreline as a reference line. Enforcement of a trolling motor/paddle zone is going to be grossly unfair to persons unaware of the complexity of the ecozone as proposed. The 200 feet from “shoreline” should be adequate protection as it is around the populated areas of the lake.

Some boaters are observing the 200 foot idle zones, but there are a large number that “buzz” the shoreline of the Ball Wetlands, since the legal shoreline issue with the wetlands is presently not enforceable. It should be a priority to enact an amendment or exception to the law to allow a 200 foot idle/no wake zone from the actual or perceived shoreline.

I have observed that vegetation exists near the shoreline of the lake in the populated areas of the lake and the mostly observed idle zone in the Tippy/James channel. The problem with the unpopulated areas is that boaters do not observe the 200 foot idle/no wake rule especially near the Ball Wetlands. Marking the 200 feet actual/perceived shoreline with buoys on both sides of the wetlands seems like a feasible and economical method and to monitor the effects of this shoreline protection for a few years before enacting drastic measures such as the ecozone as proposed.

Lynn Crighton said that she has heard “conflicting stories” today regarding boaters staying 200 feet from the shore on James Lake. She said the Department should “maybe look at what is actually on the substrate” in the area Flatt indicated may be “silting in because it so much shallower”. Crighton said she “recently” conducted sampling in the shallow area and found that the lake bottom is “full of that nasty filamented algae, that really thick carpet-like algae.... So I think why it’s so shallow might be because of the vegetation and maybe not silt.”

Crighton added, “We are putting a lot of effort into this watershed to reduce nutrient sediment and *E. coli* coming into all of our lakes.” The propose ecozone is “just one more tool” that can be used to improve water quality. Crighton said she was “supportive” of the proposed ecozone zone. The restriction on boating in the proposed ecozone is “just a critical first step to wetland restoration. We won’t restore the wetland if we don’t restrict boating. So, with the five-year sunset clause, this may be our chance to do the study to see if [the ecozone] will help or not”.

Dick Beeching said he was “in favor” of the 500 feet ecozone. He said “nobody ever knows where the legal shoreline is. Stay away.”

Susan Obenchain said she lives on Tippecanoe Lake, and said, “I realized today that everybody attending is here because we love our lakes.” The public hearing was scheduled in the “middle of the week”, and she expressed concerns that “people don’t have a voice whether for this issue or against this issue. All people need to be heard.”

Joann Boyer said she lives directly northwest of proposed ecozone area, and she was opposed to the ecozone “at the size of 500 feet from the perceived shoreline” on Lake Tippecanoe. “I feel that it is too large and is not necessary.” Boyer said she was very concerned about the restoration planting. “The DNR is supposedly into natural, to let things go back the natural way. [DNR] is talking about using wire, wood, sharp sticks, netting, coconut net and plastic tires. All of these things are going to be put into the water in large quantities along that eastern shoreline. It’s going to look like a construction site. It’s going to be ugly.” Boyer urged that with unstable sediment, “it is almost guaranteed” restoration items would dislodge and cause boating safety issues. “We are creating a zone that is not safe.”

Tom Flatt responded that the Department is “not committing itself to any restoration project.” The restoration study was a “one time experimental planting” to see what type of planting will take hold in those conditions”. He said the Department is “banking on” natural restoration with the reduction of wave action.

Tim Wurtzel said he lives in the Lakeside addition on James Lake, and he asked whether the “big pier” located on the north side of the channel would be included in the proposed ecozone. Flatt responded that the pier is located inside the statutory 200-foot idle zone located along the lake’s shoreline and not within the proposed ecozone.

David Sward said he was “for the ecozone as proposed.” He said he has been working with the Department on the petition. Sward added that there was a misunderstanding regarding the properties on the northeast side of Tippecanoe Lake, and he urged “that they be granted access to get to their properties”. He said he has lived on the lake for eleven years. “I was not a real green guy before, but we have to do something to preserve what we have here.”

Walter Beroker said he was the Planning Director for the Lake Tippecanoe Property Owner Association. He said he represented “about 22 families, and they are for” the proposed ecozone.

Steve Matthias said he supports the ecozone as opposed “except a modification for the three property owners.” He said he lives on James Lake. “If the rule is passed, it is imperative that DNR place and maintain those buoys.” Matthias added, “I think you need to clear up this electric motor and trolling motor issue.” He suggested using the term “ “electric” motor rather than ‘trolling’ motor. I think it will clear up a lot of this.”

Sally Groves said she was opposed because of comments of provided by Steve Snyder.

Bob Groves said he also agreed with Snyder’s comments. “The wind blows west to the east. That 500 feet...will become a garbage pit.... The weed problem I know is not your problem; it’s a byproduct. I think it’s time we look at sewers. We need sewers to clean this lake up. We cannot live the way we live.” He said the current septic systems were not designed for today’s use by the residences. “We are the only major lake left without a sewer system.”

Wyatt Weaver said he has lived on James Lake for 61 years and is currently on the Board of Trustees of the The Indiana Chapter of The Nature Conservancy. He said when the ecozone was first proposed, he “was opposed”. But he has “studied and read, and listened” over the past year. “I’ve changed my mind. I am for it. I think it’s mainly a conservation issue” on the Little Tippy side. He said there was “no doubt in my mind” that boats pulling skiers are approaching within 50 to 100 feet of the perceived shoreline. Weaver commented that the 200-foot ecozone proposed on “Little Tippy is much more important than the worries people have coming out of the channel.” He added that it “may be reasonable”, however, to reduce the ecozone to 100 feet out “around the point” instead of the 200 feet proposed.

Weaver said the “main safety” issue along with the main conservation issue is on the “Big Tippy” side. “When boats pull skiers in shallow water (and they often do inside the 500-foot line), that is a hazard and dangerous to the skier.” He said another safety issue is when the boats are entering and exiting the channel. “I think 500 feet is very reasonable.” Weaver said the proposed ecozone “makes a lot of sense both from a conservation standpoint and a safety standpoint. Couple this with a five-year sunset, I think it is a very reasonable thing to do, and in five years we can sit back and evaluate the impact.”

In comments to the Hearing Officer immediately following the public hearing, Weaver noted factors other than wind and waves significantly impacted the movement of sediments along the bottom of the lakes. He suggested sediments were pushed with the flow of inlets to the lakes.

Don Matchett said he lives on Lake Tippecanoe and noted that the “normal size” boat on the lake is 23 feet or 24 feet, an increase from the 17-foot boats of his childhood. Today’s “larger boats throw a lot bigger wave”. He said during the 1980s, inboard motors were manufactured “so they wouldn’t throw any waves.” He said waves “will do harm” to unprotected shoreline. “Rarely does the wind blow hard enough to make waves that big.”

Matchett asked who would be “in charge of the restoration process. I am very skeptical if we just put out buoys and leave this area alone that something is going to happen. I would doubt that.” He said a trolling motor at idle speed in the 500-foot area “can do as much damage as a propeller on a boat. Why allow trolling motors and not allow others?”

Mark Ennes said he is a “very avid skier” of James Lake, and there are “way too many” people skiing “too close” to the shoreline. He noted that the Lake Tippecanoe Property Owners, Inc. was created in 1954. He said the proposed ecozone was a “culmination of concerns from residents of Lake Tippecanoe water quality becoming impaired by noxious weeds.” Ennes reviewed the June 30, 2007 which originated the proposed rule. [The petition is set forth in full beginning at page 1 of this Report.] He expressed the perspective that the reasons for the petition were solid when it was filed and the need for the rule remained as compelling as when the petition was filed. He urged the Natural Resources Commission to give the proposed rule final adoption.

C. OTHER COMMENTS

During the public hearing, the hearing officer announced the comment period would be held open through September 15, 2008. The Commission’s webpage also reported that public comments would be received by the hearing officer through September 15. The substantive portions of comments received outside the hearing (by regular U.S. mail and by email) are set forth below. In some instances, comments have been edited to add spacing, punctuation or make similar technical modifications which might assist with comprehension.

Robert A. Ragland of Leesburg wrote on January 22, 2008:

Dear Sirs,

I apologize for not being able to attend the January 22, 2008 meeting [of the Natural Resources Commission]. I’m a pilot for American Airlines and will be overseas from January 20th to January 25th. I wish to comment on behalf of the Tippecanoe Residents for Responsible Lake Policy (TRRLP) concerning the proposal for the establishment of the 2 ecozones at Lake Tippecanoe and James Lake (Little Tippy) as petitioned by the Lake Tippecanoe Property Owners, Inc. (LTPO).

I am a past Landing Director of LTPO and also past LTPO vice-president. At 47 years of age, I've been a Lake Tippecanoe visitor since 1960 and a permanent resident since 1991.

Administrative Clause No. 07-175D staff analysis last paragraph on page 4 of the staff's recommendation states, "The main ecological reason for the ecozone is to protect the Ball Wetlands from further decline". Attached is an April 2005 aerial photo of the Ball Wetlands with 1996 and 2005 vegetation outlines prepared by Bill Holder, Kosciusko County GIS Director. There is no decline in the Ball Wetlands considering GPS data accuracy within 3-5 feet.

I have read the agenda and statements by the staff review team and here are my comments representing the over 240 petitioners (TRRLP) against the establishment of the ecozones.

The review team consolidated the remonstrators varying reasons for opposing the establishment of the Lake Tippecanoe ecozones with 7 explanations. Following are our rebuttals:

1.) The review team states an indirect relationship exists between high speed boating and the increased production of algae and that it is well documented in studies under staff analysis. However, how do the staff and its analysis account for the increased production of algae in non-high speed boating lakes and even the well-documented algae prone downtown Indianapolis Water Canal? How does the staff account for the lack of Lake Tippecanoe algae production during the summer dry weather even with high speed boating in the area? Personal and a very large number of long time lake residents observations (some residents over 70, 80 and 90 years old) conclude algae production is more based on rainy weather and land/farm runoff with or without high speed boating activity.

2.) Aerial photographs of every recreational lake in Indiana would show considerable reduction in vegetation, especially since 1938. Again, the aerial 2005 photo attached of the Ball Wetlands with 1996 and 2005 vegetation lines (GPS data began in 1996 and accuracy is within 3-5 feet) prepared by Bill Holder, Director of Kosciusko County GIS, show basically a static vegetation-no reduction of the Ball Wetlands! New aerial photos to be taken April 2008.

3.) The review team states other impacts on water quality, algae production and wetland declines have been extensively researched. What? I have yet to see DNR or the LTPO feasibility study address the muted swans affect on the vegetation line at Lake Tippecanoe. Approximately 10 years ago 2 swans began living at Lake Tippecanoe (multiple resident observations). With over 50 swans now (and ever increasing) along the Ball Wetlands, each consuming 8 lbs per day of preferred native vegetation (IDNR statistics-2006 pamphlet), amounts to over 40,000 lbs of valuable oxygen producing native vegetation just during the 100 days between Memorial Day and Labor Day disappearing through swan consumption! Has their defecation been addressed? It appears to us this has contributed more to the decline of vegetation than high speed boating. Is this a coincidence in the decline in vegetation? The Review team states, "All impacts to the lakes have to be addressed to see overall improvements in these areas". The muted swans have not been addressed. If so where is the information? Why hasn't it been presented? Any vegetation reintroduced (naturally or by planting) will most likely be destroyed in one summer. How about Grassy Creek and the Barbee Chain? The Kuhn ditch from the North Webster Waste Water Treatment Plant? The Between the Lakes ditch just north of the Ball Wetlands? Zebra Mussels? LTPO weed management program? Where is the data stating these variables have or do not have an impact on the algae production?

IDNR published a January 2007 fisheries study prepared by Jed Pearson concerning Lake Tippecanoe and the overall water and fish quality at this lake. The study states both qualities as good and has improved over the years. Not declined!

A recent Grace College commissioned study of 30 Kosciusko County lakes countered the perception that our county lakes are in bad shape. The study pointed out only a few questionable areas in our county lakes. As for Lake Tippecanoe, only one area was identified as a problem-the channel at the north end of the Ball Wetlands between Big Tippy and Little Tippy was identified as being low in dissolved oxygen.

4.) Keeping power boating out of previously vegetated areas will create an opportunity for natural re-vegetation to occur. Again, how can this occur with the over abundance of muted swans who enjoy munching on the rooted stems of lily pads, etc...? It readily appears the muted swans have more an affect in the reduction of rooted plants than the occasional boat activity stirring up nutrients.

5.) The proposed trolling motor only area on the west side of the Ball Wetlands is approximately 7-8 feet deep. This is more than deep enough to allow high speed boating for water skiing, tubing, etc, without affecting the lake bottom. How does one enter the idle zone area without transiting the trolling motor area without a trolling motor? This area basically becomes a 34-acre non-usable area of the lake except to fishermen. Infact, there are many areas around the lake which are less than 5 feet but are high-speed boating areas. The 200 feet proposed idle zone area on Little Tippy includes many areas well over 10 feet deep. A serious choke point will be officially created at Little Tippy with ecozone buoys between the north end of the Ball Wetlands and the north eastern shore of Little Tippy entering the Little Tippy north bay. This will result in a serious safety hazard during high-density weekends and summer holidays.

6.) The infringement on boater's rights without the support and presentation of scientific data to area lake residents and users is evident. If DNR was adamant about establishing restricted watercraft zones on public freshwater lakes for public safety and resource management reasons, this could easily have been accomplished years ago.

7.) The affect of property values and only one Hoy's Landing resident affected; more anglers and canoeists. With all due respect, the staff review team has it completely wrong. I talked with Joann Boyer, LTPO Landing Director, and she states (and has copies of the remonstrators signatures) 20 residents in 13 homes in Hoy's Landing are opposed to the ecozones. They all will all be affected by ecozones. All have boats at their large community pier and are active recreational users. Hoy's Landing residents will have to make a hard right when exiting their area. Increased backed up boat traffic will log jam in front of Hoy's Landing as entering and departing channel traffic to and from Little Tippy creating a serious safety hazard especially during high-density weekends and summer holidays. The one Hoy's Landing resident publicly opposed to the ecozone is an elderly person who doesn't use the lake for any type of recreational activities. Anglers use the entire area now. I haven't seen but one canoeist on the lake. Sail boaters generally use the north big end of Lake Tippecanoe.

The staff's collective opinion states the petition to create the ecozones has merit and recommends that a draft rule reflecting the petition be taken to the Natural Resources Commission for preliminary adoption with 2 exceptions.

I, speaking on behalf of over 240 remonstrators, vehemently disagree with the staff's opinion due to the responses stated earlier. The lack of scientific data to support the creation of the ecozones is clearly noted. We are not against ecozones when scientifically proven with unbiased data but are against unnecessary ecozones promoted on the basis of environmental alarmism, the scare tactics of declining wetlands (un proven-again note photo of Ball Wetlands), emotionalism, the lack of complete scientific research and the lack of accounting for all variables affecting algae production as stated above. Ecozones exist at Lake Wawasee and only protrude out 50 feet into the lake water from the vegetation line. Why, with precedent set at Lake Wawasee, is the DNR seeking to establish ecozones out 200 and 500 feet into the lake water from the vegetation line at a lake 3 times as small? Lake Wawasee ecozones account for approximately 1% of the lake water compared to the entire lake. Lake Tippecanoe and Little Tippy ecozones account

for approximately 5% of the lake water compared to the entire lake. Why such a disparity without a record of low water quality and declining wetlands at Lake Tippecanoe?

DNR is on record concerning the Lake Wawasee ecozones that DNR is not attempting to return the lakes/wetlands to a preexisting condition but maintain the status quo. That same reasoning and precedent should and needs to be applied in the case at Lake Tippecanoe.

How can the DNR and the Natural Resource Commission adopt the proposed Lake Tippecanoe ecozones without unbiased scientific data? Why are the Lake Tippecanoe ecozones being used as a test case for more ecozones? The vast amount of homework has not been done. Where is the data? The NRC would establish an irresponsible precedent by establishing unproven and unnecessary ecozones purely based on emotion and unscientific opinion.

Again, comparing 1996 with 2005 Ball Wetlands vegetation lines, the Commission must realize the biased and flawed statements by the staff review team and that the Ball Wetlands clearly appears not to have declined since 1996. We ask the NRC to deny the adoption as proposed until further analysis is conducted. If ecozones are implemented, we appreciate the use of a sunset clause but the ecozones size must be reduced in line with established precedent to ensure minimal impact on boaters and residents.

On behalf of the Tippecanoe Residents for Responsible Lake Policy, I thank you.

Holly LaSalle of Northern Lakes Internal Medicine wrote on August 7, 2008:

I just learned yesterday via email from Tom Flatt that the proposed ecozone on the northeast end of Lake Tippecanoe has the restriction to trolling motors only. While it is my intention and that of the Lake Tippecanoe Property Owners Association to minimize the impact of motorized boating in ecologically sensitive areas, it was never our intention to limit ingress and egress to the landowners who live in this area. In all our meetings with DNR personnel over the past two years we were assured that the property owners would continue to have the right to come and go from their pier. Nor were we ever suggesting that lake users could not have access to these areas, just the restriction of high speed boating in the shallow waters.

As I understand right now there was no exception written into the new rule for the property owners who live there. Mr. Flatt advised me that we are too far into the process to make any changes to the rule. Since that is the case, I must respectfully ask that this area of the proposed ecozone be changed to idle zone only. This would accomplish the same goals that we are trying to establish by stopping any high speed boating in this ecologically sensitive area and still allow the property owners to have access to their property, pier and boats.

I am a strong supporter of the ecozone and was in on the original process to move it forward. I still believe that Lake Tippecanoe needs this to help stop the nutrient inputs from these areas and further degradation of water quality. I do not however believe that it was ever anybody's intention to make this punitive in nature to any lake user.

Please consider changing the northeast-proposed zone from trolling motor use to idle zone.

Linda Schwartz wrote in an August 11 email: "I am in support of the ecozone." In an August 20 email, she described herself as a "Lake Tippecanoe Property Owner for 17 years" and expressed support for Holly LaSalle's preceding email:

I agree with everything Holly LaSalle said in her letter to you.... Please fix this obvious error without derailing this ecozone project that Holly and the majority of Lake Tippecanoe Property Owners approve.

Bob Schwartz also wrote on August 20 in support of LaSalle's email:

I second every thought in Holly LaSalle's August 7th letter.(copy attached) and urge you to correct this obvious error without derailing this entire effort.

Thomas M. and Bonnie J. Webb of Kosciusko County wrote by email on August 11, 2008 (with content repeated in an email dated August 12):

We are opposed to the Eco-Zone on Lake Tippecanoe and James Lake. Having lived on Lake Tippecanoe for over 31 years we have not noticed any damage to the wetlands. The same trees that were on the water's edge are still there and flourishing. We have only lost some lily pads. Boat traffic averaged out over one year equaling 24 hours a day would be about 4% of the time at best, hardly enough to warrant an established Eco-Zone.

The most important thing we could do to aid in cleaning our lake and maintaining nature's own Eco-Zone would be to install sewers decreasing run off that is doing more damage than anything else. Furthermore, to date there is no solid proof that in establishing a man made Eco-Zone would aid us in our quest to help Mother Nature maintain her beauty.

Bob Schwartz wrote by email on August 11: "I am strongly in favor of the proposed ecozones on Lake Tippecanoe and James Lake."

Bruce Pierce wrote by email on August 11:

I am writing to voice my opposition to the proposed ecozones on Lake Tippecanoe and James Lake in Kosciusko county. I am the owner of the Tippecanoe Boat Company and a lifelong resident at Tippecanoe Lake. I am now sixty-one years old. I am certain that the ecozone advocates have good intentions but I believe the zones are misdirected effort. The erosion of our shoreline in general and the deposition of silt along the edges of the proposed zones may indeed be caused by powerboat activity but I do not believe that such damage is closely related to those boats which run parallel to and within 500 feet of the shorelines in question. The propellers of these boats while on plane are high in the water column and their resultant wakes are relatively small. I believe the majority of the problem comes from overall boat traffic on the entire lake. Hundreds of boats on random paths generate chaotic wave patterns which eventually reach shore somewhere. Many waves are reflected back toward the center of the lake by concrete seawalls drawing loose bottom material with them and colliding with other waves generated from the opposite shore causing a "washing machine" effect. The normally clear lake looks like the Mississippi at flood stage after a busy weekend. Our prevailing summer wind is southwest which is the perfect wind to push waves carrying silt to the northeast end of the lake where it is deposited on the soft shoreline of the proposed ecozone. Additionally, the influx of current from Grassy Creek the narrows (between the lakes) and a small creek on the northeast corner bring silty water from James Lake, The Barbee chain, and farmland to the north which fans out and settles in the lake as they enter.

Regarding the proposal of a 500' trolling motor perimeter on Tippecanoe Lake, we already have a 200' restriction at idle speed and there are not enough officers or lake patrol deputies to enforce it as it stands. I don't believe another 300' will remedy that situation. The intentions may be noble but shrinking the useable space on an already crowded body of water will only cause more danger to boaters without addressing the

actual problem.

Thanks, Bruce Pierce, President, Tippecanoe Boat Company Inc.

Thomas M. and Bonnie J. Webb of Kosciusko wrote by email on August 11, 2008:

We are opposed to the Eco-Zone on Lake Tippecanoe and James Lake. Having lived on Lake Tippecanoe for over 31 years we have not noticed any damage to the wetlands. The same trees that were on the water's edge are still there and flourishing. We have only lost some lily pads. Boat traffic averaged out over one year equaling 24 hours a day would be about 4% of the time at best, hardly enough to warrant an established Eco-Zone. The most important thing we could do to aid in cleaning our lake and maintaining nature's own Eco-Zone would be to install sewers decreasing run off that is doing more damage than anything else. Furthermore, to date there is no solid proof that in establishing a man made Eco-Zone would aid us in our quest to help Mother Nature maintain her beauty.

Gene Haskins of Tri-Lakes wrote by email on August 20, 2008:

As a long time area resident I would like to indicate my support for the Ecozone on Tippy Lake. The deterioration of the Ball Wetlands in the past 10 years has been very noticeable. The increased boat and jet ski traffic has seriously impaired this area. Water turbidity is unacceptable and there is visual scarring by boat propellers in the shallow areas and large areas of lost or dying native vegetation. We support any efforts to improve the water quality and the Ecozone is a proven tool to achieve this goal.

Joann Boyer of Syracuse wrote by email on August 21, 2008:

Please forward my full comments below to the NRC commission regarding the ecozone on Lake Tippecanoe, Indiana. These comments should be added to the hearing comments that were recorded today at the hearing in North Webster, Indiana, August 21, 2008.

My name is Joann Boyer and I am opposed to the size of the proposed ecozone. The ecozone on Lake Tippecanoe should be limited in size to within 200 feet of the perceived shoreline and allow idle or trolling motor speeds in the ecozone area. On Lake James a 50 foot ecozone from the perceived shoreline with swimming and idle or trolling motor speeds allowed within the ecozone.

I am the third generation in my family residing here in Kosciusko county. I have lived and worked in Kosciusko county for the last 30 years. I have owned a house by Lake Tippecanoe for 13 years in Hoy's Landing directly northwest from the proposed ecozone area. I have donated many of hours for LTPO (Lake Tippecanoe Property Owners, Inc.) on their directory committee and have been an LTPO board member for over 10 years. My family spends over 100 boat hours per year on the Lake, so I know Lake Tippecanoe well.

My opposition consists of 9 points as follows:

1. The DNR committee staff analysis stated creating these restricted boating zones around the Ball Wetlands may not in itself result in noticeable improvements in water quality or reductions in nuisance algae. If there is little hope of an improvement in water quality or reduction of algae why have an ecozone this large.
2. Nate Long of Aquatic Control, Inc. from Seymour IN stated ecozones are only a theory that may or may not work. I need more assurance than just a theory.

3. The cost of restoration plantings is estimated at \$180,000 for plants that will grow naturally. That money could be well spent elsewhere. Last year, of the 560 children at Lakeview Middle School, part of Lake Tippecanoe's school district - 40% of the student population qualified for FREE or reduced price lunch subsidies. That is a total of 224 children. \$180,000 would buy 2 years of free lunches for these children and help their parents who can not afford to pay the daily \$2.25 for a lunch meal. What is more important optional plants or real people.

4. If the DNR is into Natural than why would they advocate the use of cement, sharp wooden sticks, orange netting, fence pipes, wire, coconut mat, wood pallets and coir logs. This sharp and entangling debris could loosen, easily float downstream with the lake current, out into boat traffic and cause all kinds of accidents to people and their boats after installation. Just ONE loose piece of wire could slice a person's foot waterskiing or barefooting. ONE piece of loose wood could trip a skier or barefooter and cause serious injury. The buoys, pipes, nets and sticks will spoil the view of the entire beautiful eastern natural shore of Lake Tippecanoe and be an eyesore. It shall look like a construction site. WHY SPEND TAXPAYERS money or donated MONEY on plants that will grow normally. We are all interested in safety – why create an unsafe situation.

5. Aerial photographs of every recreational lake in Indiana would show considerable reduction in vegetation, especially since 1938. The aerial 2005 photo of the Ball Wetlands compared with 1996 and 2005 vegetation lines prepared by Bill Holder, Director of Kosciusko County GIS, SHOW BASICALLY A STATIC VEGETATION- NO REDUCTION OF THE BALL WETLANDS! (GPS data began in 1996 and accuracy is within 3-5 feet)

6. Most people do not own or have electric trolling motors on their boats, so this would effectively not allow them to idle within the ecozone area as it now is proposed. Remember all those people I mentioned earlier in our district who cannot afford to even buy a school lunch. We want open water to remain open for public recreation.

7. I would like to remind the commissioner there have been submitted 240 signatures against the proposed ecozone. On Lake Wawasee the ecozone is only 50 feet. The 500 foot proposal on Lake Tippecanoe is 10 times as large. It extends way out into the lake.

8. Sara Peel, who is an Aquatic Ecologist with JF New and has been recognized by North America Lake Management Society as a Certified Lake Manager stated why this particular site was picked on Lake Tippecanoe was because there is not as much boat traffic in that area. If there is little boat traffic in the area - then why all the whining about boat traffic. I myself have observed very few boats going deep into the site along the shoreline. Mostly they are fishermen who have floated or are trolling in that area.

9. I have waterskied on the proposed ecozone outer area every summer and being not so perfect have fallen every possible way off my ski in that area. Why restrict such a wide swath when it has the flat water waterskiers need and is plenty deep enough. Most of those that advocate closing said area do not ski, are not interested in water sports and will not miss it. Tom Flats mapping of the shallow areas on the eastern shore is misleading and inaccurate. It exaggerates the shallowness of the water due to floating algae.

In conclusion, the solution is a 200 foot natural ecozone buffer allowing idle speed only on Lake Tippecanoe. 200 feet would be sufficient to protect the Ball Wetlands from any boat wakes. On the James Lake side the ecozone should be limited to 50 feet and allow idle speed within. This solution is practical and would be supported by virtually everyone with very little argument.

Susan Obenhain of Leesburg, wrote by email on August 25, 2008

My concern is that important ecozone meetings are held during the middle of the week when many property owners either work or come to the lake on the weekend. Of course, many people leave the state for the winter. All of these people aren't able to attend thus do not have a voice in this matter.

Property owners on the lakes here are tax payers and should have a voice on the eco zone whether it be for or against. They should have a voice.

My suggestion is that you send an absentee vote to each property owner. The voice of all of the people need to be heard. Whether they are for or against the proposed ecozone, property owners/taxpayers need to have a voice.

Dennis Wagoner from Leesburg submitted on August 21, 2008 the following signed petition:

Petition in Opposition to Administrative Cause Number
07-145L
Natural Resources Commission
State of Indiana

The undersigned are opposed to the adoption by the Natural Resources of the proposed change to 312 IAC 5-6-9 to impose Ecozones on Tippecanoe Lake and James Lake in Kosciusko County and urge the Natural Resources Commission to reject the proposed amendment until further study can be completed to determine if the limitation of boating activity is of benefit to the ecology of either lake.

John Hardie of Syracuse wrote by email on August 21:

George Hardie here. I'm a director of the Wawasee Property Owners Assn., have a cottage on Conklin Bay, am familiar with both sides of the eco-zone issue on Wawasee and was in attendance at the Tippecanoe hearing yesterday. A thought struck me and I had a couple of questions but refrained from taking the opportunity of asking in such a public and official venue, not wanting to give the impression that the Wawasee folks were hijacking the proceedings.

It seems to me that the mischief begins with the quirky legal distinction between legal shoreline and perceived shoreline. If we were to change the reference point for buoy lines from the legal shoreline to the perceived shoreline it might simplify matters fundamentally.

If we can assume that perceived shorelines are by definition unstable and, by common consent, important to a lake's health then it follows that they merit protection. I grew up on Tippy and own a cottage on Wawasee and the eco-zone issue has become thorny on both of the lakes that I know. Perhaps it is a coincidence but I suspect that there are more lakes with similar issues regarding perceived shorelines.

So what are the advantages of using the perceived shoreline as buoy line reference point?

- Makes buoy lines consistent at 200' from the edge of open water.

- Offers lakes the opportunity to protect wetlands and marshes without having to go through the cumbersome and divisive process that Tippy and Wawasee are currently experiencing.

- Clearly defines for law enforcement where boats at high speed may and may not go and removes the prosecutorial problem that you defined yesterday wherein absent an eco-zone a boater may legally charge willy nilly into the Ball Wetland or Conklin Bay cattail marsh while thumbing his nose at law enforcement assuming he is still 200' from the

legal shoreline. And how in the heck is a law enforcement official to know where the legal shoreline is in the Ball Wetland or Conklin Bay cattail marsh?

-Reduces greenhouse gases by an amount equal to the emissions from Mr. Lucas' vehicle as he and staff travel with laptops and flipcharts to and from various venues where local residents are squared off on this issue.

Possible objection:

-The DNR needs a permanent shoreline to use as reference point. Perceived shorelines are unstable and therefore the DNR will have to reestablish the GPS coordinates of the perceived shoreline every year.

Response to objection:

-If the DNR were to establish by GPS points the edges of perceived shorelines on a regular basis would that be a bad thing? Had that been our policy all along we wouldn't be arguing over whether the edges of the Ball Wetland or Conklin Bay cattail marsh are retreating or stable or advancing. We would know because we'd have reliable data collected by the DNR. And if these perceived shorelines are critical to a lake's health then time spent in establishing reliable data as to their boundaries might be easily justified. Additionally, unless my memory fails me, with the establishment of the Conklin Bay eco-zone the DNR was given the responsibility of monitoring its effectiveness and presumably it was intended that monitoring would involve measuring the retreat of the cattail fringe. That would surely involve establishing GPS points on a regular basis for comparative use.

-It looks as though (at least on Tippy and Wawasee) we're already headed toward the DNR being involved in establishing GPS points on the fringes of Ball Wetland and the Conklin Bay cattail marsh. Presumably the DNR will be monitoring these GPS points on a regular basis. So we're already headed in the direction of active DNR monitoring of perceived shoreline edges through these recent initiatives.

-Perceived shorelines may not be so unstable as to require reestablishment every year. Perhaps every 2, 3 or 4 years would suffice.

-If it is a practical impossibility for the DNR to actively monitor all perceived shorelines in the state then perhaps property owners associations could be given permission to establish buoy lines at 200' from perceived shorelines as long as they didn't contribute significantly to safety concerns. If there are safety concerns (as on James Lake and Conklin Bay) then a safety discussion ensues and that seems more effective, reasonable and manageable than starting from scratch with the current legal shoreline mischief.

Can you suggest other possible objections to making perceived shorelines reference points for buoy lines?

What is the nature of the law, ordinance, rule or legal definition that separates legal shorelines from perceived shorelines?

What is required for straightening out this quirk in our system?

Debbie Allen of Syracuse wrote by email on August 23:

We are writing in regards to the proposed ecozone on the northeast end of Lake Tippecanoe, and the current restriction of trolling motors only. Due to our daughters surgery we were unable to attend the meeting on August 21st. We respectfully request that the proposed ecozone be changed from a trolling zone to an idle zone. We reside on the Between the Lakes Peninsula and would be prohibited from parking our boats in front of our property. When we were made aware of the ecozone plans, we were assured that ingress and egress to our property would be allowed. Since the ultimate objective is to stop high speed boating in this area, we feel that allowing us to idle our watercraft

through the controlled area to our pier will not in any way damage the integrity of the intended ecological results. Though we understand that it is too late to change the actual rules governing this case, we ask that an amendment from trolling to idle speeds be implemented should the Lake Tippecanoe ecozone be approved. Thank you for your attention. If you have any questions or need any additional information, please contact us. Again thank you.

Alan Nelson of Leesburg wrote on August 23:

I'm sorry that I could not attend the Echo Zone meeting held at North Webster, Indiana.

Yes, I am very much in favor of this program. I'm sure that the restricted area will bring back a spawning area for fish and that planting of aquatic plants will improve the view of the lake and also improve the quality of the lake.

Please go on with this program.

Nick Groves of Leesburg wrote on August 25:

I was unable to attend the meeting Thursday due to my work schedule but wanted to voice my opinion on the proposed Ecozone boundaries that are being considered. I have been coming to James Lake(little Tippy) for over 30 yrs, I am 35 yrs old now, my parents built a place in Mead Park. I recently purchased a place in Mead Park next to my parents to share those same great memories with my family that I had growing up.

I have reviewed the proposals and read the information provided in the Staff Analysis, I am all for keeping our lakes clean and the water quality good but I have concerns. First, according to the report these zones may not result in noticeable improvements in water quality or algae reductions. Also on the last paragraph of page 2 the Ecozone Feasibility Study indicates there has been a decline in the Ball Wetlands on the Tippecanoe side but MUCH less on James Lake side. I have noticed no visible change in the wetlands in the 30 yrs I have been coming to the lake and the report backs that up on the James side. If the boating restrictions are placed on James Lake it will make the lake much smaller forcing more boaters tubing/skiing, jet skiing in a smaller area which raises serious safety concerns for those using the lakes.

There is also the question of nuisance algae, I have not noticed any nuisance algae on the James Lake side where the zones are proposed, I do acknowledge there is on the Tippy side though. If there has not been a decline in the wetlands and the nuisance algae is not present, why create these restrictions and raise the safety issues we'll have by congesting the boaters on James Lake?

I would like to make a suggestion. There is obviously an algae problem on Big Tippy outside the channel where the ecozone is proposed. This is also an area that is NOT typically used by boats exceeding idle speed since it is so close to the channel and the weeds and algae don't make it an area where tubers/skiers would want to fall. This is also the area that the reports suggests having the decline in the wetlands area. Why not start with the ecozone in this section and see if it would have an impact? This is the area that is bad and should show noticeable results if ecozones do indeed work. This is also the area that would have little effect on boaters/residents of both lakes since this is typically thought of as an idle only zone already. I have not heard of any lakes where ecozones have worked so I am still skeptical but trying it in this area as opposed to an area (James Lake) that is not showing damage would make more sense.

Tony and Tricia Pecoraro of Leesburg sent an email dated August 27:

We are sending this email in opposition of the proposed ecozone on Lake Tippecanoe. Our biggest concern is safety on the lakes especially Little Tippy if the lake is reduced in size by the buoys/200 ft proposal. We feel that it would put humans at greater risk for an accident if the lake is reduced in size. Also we would like to ask the question if the study has looked at ice damming and other causes that could effect the shoreline? It seems a bit much to assume that the increased boat traffic, which is really pretty minimal in comparison to other public access lakes and is really only for 2-3 months out of the entire year, is the only cause of the supposed change in the perceived shoreline in the Ball Wetlands. The other point being it also seems that there are questions if the shoreline has even changed or has even grown over the past several years. Thank you for your consideration in this matter. We have been coming to Lake Tippecanoe for 32 years and our recent homeowners on the lake and would be very disappointed if this proposal is passed. We also want to keep the lake clean and beautiful without significantly changing the look and safety of our lake.

Patrick Tynan of Indianapolis wrote by email on September 9, 2008:

Generally, there has been quite a bit of confusion over the past two years as to what the overall plan is with the concept of the proposed Ecozone. I realize NRC is only focusing on the current proposal but many of us are concerned about the long-term plans as outlined in a September 2006 meeting, the underlying Williams Creek Report, and the June 2007 meeting; the differences from the current proposal have never been reconciled. I will limit my comments to the current NRC proposal:

1. Little Tippy: The proposal in this area needs to be dropped; I have yet to see any documentation that there is an erosion problem in this area. This is a rather drastic step to take for no defined reason only supposition. I do not believe wake from boats going 50 ft or 200 ft from the perceived shoreline makes any difference to preserving the shoreline. Why not take a smaller area and establish a test zone for next five years?
2. The Channel between the lakes: If the proposal for channel "idle only" is because there is doubt where DNR can really enforce speeds thru the channel as shorelines are not defined and thus 200 feet is unclear, I can agree with the proposal. However, my experience is that boats do not speed thru the channel; so why is there such a need for the rule?
3. Big Lake, Flats Area – why not compromise to 200 or 300 feet set back say where depth is 3 feet. There seems to be a strong inconsistency in the Flats Area in allowing electric motor but not other "trolling" in the proposed area. Either all motorized boating should be banned or all allowed. It remains cloudy on what happens next here. Without a clearly defined project, I am against taking 500 feet as proposed.
4. At the public meeting the issue of who is going to be responsible for installing, removing and maintaining the buoys was raised. This needs to be clarified before final rules are issued. I wonder if NRC is going to find a volunteer organization willing to take on this responsibility.
5. My family has had a cottage on Lake Tippecanoe for over 80 years. I find it interesting NRC staff use aerial photos from the 1930s to illustrate the degradation in the proposed ecozone area. I have pictures (as well as other published era photos) which clearly show that the lake level was substantially lower during this era (to the extent of 5 or more feet of more shore line) and to compare pre-dam era to post-dam era is totally irrelevant. The lake was substantially lower in the early part of the 1900s.

This letter supersedes my letter of June 11, 2008.

Joseph B. Tynan from Leesburg wrote by regular mail on September 10, 2008:

I wish to clarify that I am writing as individual who currently owns property on Lake Tippecanoe. Since my early childhood, I have had long term enjoyment of the Lake Tippecanoe and its surrounding lakes. I have attended multiple meetings on the subject Ecozone over the past two years and recognize there is a great deal of confusion of what is trying to be done with the Ecozone. My comments relate to the recent meeting conduct by you.

1. Little Tippy: I would like to see a clear understanding of the 200 foot from the perceived shoreline enforced. I believe the protection of the Wet Lands is of utmost priority and limiting this area as a slow zone would not be infringement on what resident boat users have historically respected.
2. The Channel between the lakes: From the discussion by Tom Flatt I now understand the need for the DNR to have this clarified. I agree with the proposal for channel “idle only” speed limit because there is no doubt whether the DNR can really enforce speeds thru the channel as shorelines are not defined.
3. Big Lake, Flats Area – You may have to make a compromise from less than the 500 foot proposal. I would agree with any set back that would reduce the boat traffic in this area. There seems to be a strong inconsistency in the flats Area in allowing electric motor but not other “trolling” in the proposed area. Either all motorized boating should be banned or all allowed. If this must be open to the fishermen to get it approved then allow all trolling if not I would recommend no motorized boating. Again protection of the Wet Lands is utmost importance, give new plant life a chance to return.
4. At the public meeting the issue of who is going to be responsible for installing, removing and maintaining the buoys was raised. This needs to be clarified before final rules are issued. It will be difficult to have a volunteer organization take on this responsibility that would not put it in conflict with its members.
5. My family has enjoyed Lake Tippecanoe for over 80 years. We find it interesting NRC staff is using aerial photos from the 1930s to illustrate the degradation in the proposed ecozone area. We know the lake level was substantially lower in the pre-dam era as to now in the post-dam era. It would be better if the NCR would use aerial photos more consistent with the water levels post-dam when doing their studies.

Jon Mark of Leesburg wrote by email on September 12, 2008:

Against Current Proposal:

I propose observation of 200' from perceived shoreline.

Comments: I agree Lake health would be ideal with no motors, no septic systems and no sea walls. I think removing the ~17 acres noted by Chairman Poynter is not in the best interest of the people of Indiana for the following reasons.

Please strike any statement proven incorrect by science or controlled study.

Safety: Improved safety is stated as one reason for the restriction. My observation (I live on this end of the lake) is on busy weekends this is the calm end of the lake. You have people drifting and swimming in the middle of the bay, drifting in the proposed closed area, recreational boaters, tubers, skiers seeking smoother water and two major channels entering the bay, many utilizing the proposed closed area. Keep in mind most of the watercraft do not have trolling motors or are easily paddled.

Removing the 17 acres (500ft) essentially removes a sea lane, and scatter or merge areas for the channels thus pushing all of the above activity into a smaller area.

I have rarely encountered a congested area or busy highway interchange and thought how much safer it would be if a lane or acreage was removed.

Wetlands: My observation is current sea bed design and aquatic growth absorbs boat wakes extremely well. On the busiest days, please observe the water is nearly flat by the time it makes it to the perceived shoreline. I strongly suspect any damage to the wetlands is from extreme changes in lake level (up to 2+ feet almost yearly) during rainy seasons combined with west wind driven waves.

Sea Bed: I agree with Chairman Poytner that most traffic with exception of waverunners fishing and hunting boats occurs outside of 200 ft, so I would expect better vegetation growth inside 200 ft than outside this area. I do not observe a difference. But I would think you could replant this area inside 200 ft without closing the entire 17 acres (500ft).

I agree the area from 200- 500 ft does suffer bottom damage similar to multiple other areas of the bay and other lakes with recreational use.

Recreation: This is a beautiful recreation area with one of the best skiing lanes even in adverse conditions. It also provides opportunity to see swans and wetland plants and flowers for people of all ages. It receives little use except for weekends, June to August. I don't see closing it as a significant opportunity for the lake and its users.

James L. Newcombe from Kosciusko County wrote by email on September 13, 2008. As a courtesy to the Commission, Newcombe repeated the comments by regular mail on September 15, 2008 because he thought doing so might be a format that would be "easier to handle":

Following are my comments regarding the Proposed Ecozones on Lake Tippecanoe and James Lake (Little Tippy).

As background, I am a full time resident of Lake Tippecanoe and have been on the lake since 1947. I am also on the Lake Tippecanoe Property Owner's Association (LTPOA) and serve as a Landing Director. Our Landing is directly west across Lake Tippecanoe from the impacted area of the proposed ecozone on Lake Tippecanoe, and all on our landing look directly at the Ball Wetlands. In this capacity I have discussed the proposal with my constituency and to a person they are opposed to the ecozones as currently proposed. However, I and my constituency are open to some modifications to the proposal.

Overall, there have been presented a lot of anecdotal comments about the lake water quality, the alleged benefit of an ecozone in reducing weeds and/or algae in the lake, etc. However, there has been no data presented which would meet even a "preponderance of evidence" that the proposed ecozones would improve water quality or reduce weeds, much less any data which would meet the test of the data showing the benefits "beyond a reasonable doubt".

In fact, the "Lake Tippecanoe, Kosciusko County, Fish Management Report's 2006" report (issued January 19, 2007) by Jed Pearson, Fisheries Biologist with the IDNR, shows a 10% increase in dissolved Oxygen levels in the water and a 100% increase in water clarity as measured by the Secchi Disc since 1972. Mr. Pearson states, with regard to the water clarity, "Water clarity varied from 5-6.5 feet from the 1970s through the 1990s but has improved in recent years." As a user of the lakes involved "Lake Tippecanoe, James Lake and Oswego Lake" for over sixty (60) years I agree with the assessment by Mr. Pearson. The water quality has improved, most likely due to the introduction of Zebra mussels. As these mussels have improved the water clarity, they have also allowed sunshine into deeper water than previously, encouraging weed growth,

and through their digestive system operation they are known to be significant contributors to algae growth in lakes.

Establishment of any ecozones on Lake Tippecanoe or James Lake for improvement in water quality, water clarity or weed reduction is not technically supported or warranted.

Regarding the presentation made by Tom Flatt during the public meeting on August 21, 2008:

Mr. Flatt said that a key was that there was a sunset clause so that if it was found that the benefits expected of the ecozone weren't being met the ecozone would no longer be in effect. As I said at the meeting, for the sunset clause and Mr. Flatt's comments to have any semblance of reality, there need to be clearly established, well-defined and publicly known objective metrics against which the success, or lack thereof, may be established five (5) years hence. It is not acceptable for the proposal to go forward without these pre-established metrics and then for a very loose and subjective analysis of "success" to be made five years later.

Mr. Flatt also said that the only vegetation that was planted in the proposed ecozone last year (a test to see if native vegetation could be reestablished via planting) which has shown the ability to become established were those in concrete bases. This would seem to indicate that the only plantings with a chance of success are those that will present a negative impact on boater safety (one of the themes Mr. Flatt used to justify the ecozones). We do not need or want to have concrete bases/vases in any part of our lakes. In addition to the obvious safety issues, I am certain that if an individual were found to be putting concrete bases, anchors, etc. in the same areas he would be cited by the DNR.

Mr. Flatt said that the twenty (20) buoys that would outline the ecozone would be purchased by the DNR and that after that initial purchase the placement, removal and storage of them would be the responsibility of the LTPOA. As you will recall, one of my fellow LTPOA Board members who is also a Lake Patrol Officer, and in that capacity a Deputy of the Kosciusko County Sheriff's Department, stated that he would not make any attempts at enforcement of the ecozones that were marked with buoys placed by the volunteers of the LTPOA, and for him and the other Lake Patrol officers to make any attempts to enforce the ecozones they would need to be ensured that the buoys were placed by the DNR according to the GPS coordinates and know that the buoys were where they were originally so placed; i.e. not been moved by anyone as were the demonstration buoys. As a Board member of LTPOA I can state that the issue of placement of buoys has been discussed at the Board meetings and the LTPOA volunteer who's committee is responsible for the placement of the limited number of informational (not legally defining anything) buoys has said that he has problems getting our current buoys in and out annually and that he does not plan to have any responsibility for the placement of the DNR-required twenty (20) buoys for the ecozones.

You will also recall that at the August 21, 2008 public meeting I stated that if there are to be any buoys positioned by anyone beyond the 200 feet from the shoreline (that Indiana boaters recognize as the distance they must stay away from shore) need to be lighted at night. To not light any such buoys "such as those 500 feet from shore as in the proposal" raises significant boating safety issues. Unfortunately, Mr. Flatt did not seem to have considered this obvious safety issue and did not even seem concerned about the safety and potential liability issues thus involved.

Mr. Flatt also said that the proposed ecozone "No Motorized Boating" zone on the north side of the Lake Tippecanoe side (west) of the channel between the lakes would be modified to at least allow ingress and egress to the land owners, and in response to comments from one of the three impacted land owners at the meeting it was stated that

this could well be modified to also allow idle speed to provide for fishermen as this was a popular fishing area. This shows the inconsistency and lack of scientific basis for the proposal, as other areas of the ecozone proposal are also good and popular fishing sites.

Now for my general comments and suggested revisions to the current ecozone proposal.

Mention is made in the write-up about the August 21, 2008 meeting regarding the depth of the water having something to do with where the DNR desires the portion of the ecozone on Lake Tippecanoe, west of the Ball Wetlands. I am unable to find in any of the Indiana Codes where this criterion is used for establishment of “no boating” or even “idle speed only” laws in the rest of the state. Logical thinking and application of depth charts for the affected lakes says that if one uses this criterion then there’s a lot of other places on our lake and other lakes in our chain and other lakes in the state that should be similarly constrained. Logical application of this would even mean that the same restrictions should extend out many hundreds of feet from Patona Bay, along Walker’s Park and Black’s Landing, the two sandbar areas in Little Tippy, etc. When Mr. Flatt was asked about this he responded that very recent hydrological studies had shown areas in the proposed ecozones that were even shallower than previously thought. This is not surprising due to the lack of rain we have had in northern Indiana perhaps unlike the Indianapolis area. At this time the lake level is at least one (1) foot lower than normal.

If it is to be allowed that “trolling motors” can be used in the “no motorized boating” area, ostensibly to reduce silt and nutrient disturbance, where’s the data that shows that these motors are any better since they are as deep off the transom as an outboard lower unit than an idling motor? The fact is that to move a specific boat at a certain speed a specific amount of water must be moved by the boat’s propulsion system, whatever the source of the propulsion. Since both gasoline-powered outboards and electrically-powered outboards (inaccurately referred to by the DNR as an “electric trolling motor”) use propellers and the propellers for either type outboard are at the same depth off the boat’s transom, both will displace the same amount of silt if any. If the reason for the restriction is to reduce wave action against the wetlands, there is no difference in the boat’s wake between a boat that is propelled by an “electric trolling motor” and a boat that is operating at the same speed with any other motor. Additionally, allowing only the use of an “electric trolling motor” is discriminatory against those persons with boats that can’t have a trolling motor, such as inboards and most inboard/outboards.

In the “Title 312 Natural Resources Commission Notice of Public Hearing LSA #08-295 Notice of Public Hearing” portion referring to the area along the Ball Wetlands on Lake Tippecanoe, it is stated “Assuming that most boaters are observing idle speeds within 200 feet of the actual and perceived shoreline, the actual additional open water that is added by the new restricted zone is about 17 acres and about half of that is water less than 5 feet deep.” This is a completely unfounded assumption and in fact is incorrect. Since there have never been any markings along the “perceived shoreline” in that area, the area is used constantly by high speed boaters and water skiers. In fact, some who are unalterably opposed to the entire ecozone concept are opposed as you have heard simply because that area is some of the best for water skiing.

The issue of wave action against the perceived shoreline along the Ball Wetlands on Lake Tippecanoe is in many ways a “red herring” being used by some proponents of the ecozone as a justification when they are unable to otherwise develop a sound, technically and scientifically provable basis for the proposed ecozones. The shoreline in question is on the west side of the wetlands at the east end of the Lake Tippecanoe, exposed to any wind from the west that comes down the lake for over 2.0 unobstructed miles. The prevailing wind here is from the west and is directly down the lake toward the Ball Wetlands. Wave action problems “if any” are caused by wind (which occurs naturally for the entire year), and not by high speed boating (which only occurs in any significant

amounts in the afternoons between Memorial Day and mid-August, when schools in this area start). Even if one were to be generous and consider that all afternoon boating hours (very little boating is done in the mornings here) are utilized (discounting weather and quiet days such as during most summer weeks), high speed boating can only occur a maximum of 6% of the time, while wind action occurs 100% of the time, either from the west piling waves on the wetlands or from the east drawing vegetation from the wetlands. North and south winds have little effect on the wetlands.

Based on the above, I believe that a compromise that makes sense for protection of the shorelines and boating safety can be reached and this compromise will gain significant support, as opposed to the amount of negativity seen at the August 21, 2008 public meeting, by the residents on my Landing and by others unable to voice their opinions at the meeting since they were at work and their kids were already back in school in areas such as Ft. Wayne, Muncie, Kokomo, etc.

Specifically, the proposal I suggest is as follows:

The area west of the channel between Lake Tippecanoe and James Lake and to the north side of this channel should be designated as an idle zone. (Not a “No Motorized Boating” or “Trolling motor” zone as is in the original proposal.)

The entire area along the west side of the Ball Wetlands on Lake Tippecanoe should be designated as an idle zone out to 200 feet from the perceived shoreline. Recognizing that “perceived shoreline” is unenforceable, as was stated at the August 21, 2008 public meeting, the same distances as this would need to be based on GPS coordinates as are the proposed 500 distances. This idle zone would make this section of the lake consistent with the rest of the lake where there is no or very little difference between the legal and perceived or real shoreline. Even though the distances from shore would need to be spelled out in the appropriate language using the GPS coordinates, enforcement of the rule/law would be done as is currently done and as stated by Lt. Sullivan at the public meeting, when he said that his officers use a range finder as needed to determine the distance from shore for buoy placement. Obviously, any new buoys required by the adoption of the proposed ecozone would need to be purchased, placed, maintained and stored by the DNR with no cost in terms of dollars or volunteer time to the LTPOA or any property owners and it is recommended that any new buoys be lighted at night as boaters are not used to any buoys in the locations of the proposed ecozone.

Finally, I applaud the development of true idle zones in the channel between the lakes and throughout Grassy Creek. Contrary to Lt. Sullivan’s and Mr. Platt’s comments at the August 21, 2008 meeting, these areas do not currently have any such boating restrictions due to the difference between the perceived shoreline and the legal shoreline. Lt. Sullivan agreed with my statement above when I brought it to his attention at the June 2, 2007 meeting on this topic.

Phil Hoy from Kosciusko County wrote by email on September 14, 2008:

Opposition to the proposed Lake Tippecanoe Ecozone.

As a member of Lake Tippecanoe Property Owner’s and Landing Director for Bell Rohr Island and having received feedback from those I represent on the Board I wish to communicate their opinion regarding this proposal along with my personal opinion.

Every resident I’ve polled and each who have contacted me regarding the usefulness of the ecozone question its need and viability. Not one has expressed a favorable opinion of this proposed action.

Many of those residents have attended the two public meetings intended to explain and support the ecozone yet still fail to understand how any of the components of the plan can possibly benefit the lake.

We've heard discussions and seen aerial photographs. None of the presentations have been backed up with hard data. When asked, representatives of LTPO and DNR are unable to support these contentions with anything resembling scientific facts or even confirmable historical data.

Current data available from the Kosciusko County Health Department and from Grace College verifies our lake is actually getting better over time.

Taking even a cursory look at two of the proposal's major supposed benefits are easily questioned. We're told the proposal solves a safety issue. I'm not sure what that safety issue is; for Hoy's Landing and Russell's Park residents it, in fact, creates a safety issue. With the 500 foot no boating zone, the area where skiers can make a turn to return to their pier is compacted to a much smaller area. Unless you're willing to tell those residents they can no longer take off and return to their own pier this proposal creates an additional safety issue rather than eliminating one.

The first Power Point slide we were presented in the second meeting indicates the proposed ecozone will stop the further degrading of the Wetlands area. What degradation? As a youngster growing up on the flats I would canoe the area. At one point, next to an uprooted tree was a very small estuary leading into the swamp area. I could push the canoe over a small shallow barrier and actually paddle around back there. Not far, but it could be done. As of last summer, some 50+ years later, that shallow barrier is still there and it's still possible to paddle around a bit. I will grant you the uprooted tree roots have all but disappeared. Even the most casual observer can correctly conclude in some areas of those wetlands new soil, new growth at the shoreline is being created rather than the shoreline being eroded away.

I could go on and on with each point of the proposal but prefer to feel it is not necessary. Suffice it to repeat; 100% of the LTPO residents of Bell Rohr Island and that's every family excepting one I represent are opposed to this proposal. That one family had no opinion.

The ecozone is being sold to residents of Tippecanoe and James Lakes on an emotional basis. If you are to proceed it must be upon only a fact-based, verifiable basis.

Please reject the proposed Tippecanoe ecozone proposal.

Robert A. Ragland from Leesburg wrote by email on September 14, 2008:

My name is Robert A. Ragland. I am a full time resident since 1991 at Lake Tippecanoe. I am 48 years old and have been coming to Lake Tippecanoe since 1961. I am a member of the Lake Tippecanoe Property Owner's Organization, Inc.(LTPO). I am a former Vice President, Landing Director and Sheriff Lake Patrol Officer for LTPO.

I am opposed to the establishment of ecozones at Lake Tippecanoe and James Lake (Little Tippy).

There is no scientific, objective data supporting the subjective statements and data that power boats have caused or are causing any type of alga problems or reduction of the Ball Wetlands. In fact by observing aerial pictures of the Ball Wetlands from 1996,2005 and 2008 it is clear the Ball Wetlands have not reduced in size.

LTPO and some DNR biologists have compared 1938 and 1965 aerial photos to the present date and of course are able to see a change in floating water vegetation. Every lake, pond, river, creek and county property throughout the state has changed dramatically since 1938. But DNR has stated it is not in the business to return Indiana wetland environments to a time long ago but maintain the status quo As in the case at Lake Wawasee. Differences from year to year in floating vegetation surrounding the wetlands in question can be due to various reasons. Such reasons needed to be studied, documented, analyzed and published objectively are:

1. Strength or weakness of the winter seasons.
2. Lake water level and seasonal rain accumulation.
3. The effects of the Barbee Chain of Lakes homes and their septic systems.
4. The addition of the North Webster Waste Water Treatment Plant.
5. The effects of the much publicized influx of the non native muted swans and their voracious appetite for native vegetation (according to IN DNR).
6. Farmland runoff.
7. Seasonal temperature variations from year to year.
8. etc...

At the August meeting in North Webster, IN Tom Flatt didn't even realize that Jed Pearson, DNR Biologist, published a paper in January 2006 (on DNR website) reporting Lake Tippecanoe overall water quality has improved. He specifically cited with documentation oxygen content, water clarity, nitrogen levels, etc... Supporting this study is the well publicized AND OBJECTIVE Grace College Kosciusko County lakes water quality report published in June of 2007. This report gave Lake Tippecanoe a very good water quality report.

These two reports are in contrast and in direct opposition to the subjective Williams Creek ecozone feasibility study done on behalf for the Lake Tippecanoe Property Owners, INC (LTPO). Again the owner of Williams Creek is the son of an LTPO proponent of the ecozones. Therefore, Williams Creek is not in an objective position to provide a balanced and unbiased ecozone feasibility study.

I also asked Mr. Flatt at the August meeting if DNR had taken into account the muted swan effect on the wetland vegetation. He stated the swans are part of the broader picture as to the ecozone. Yet I have not read one sentence from DNR or LTPO as how a program to control the muted swans is part of the broader ecozone picture! I submit there is none.

This ecozone is a scare tactic by environmentalism extremists. Saying "Let's protect the Ball Wetlands" sounds good but doesn't have any teeth of proof that the Wetlands are in jeopardy now or in the future.

DNR Biologist Gwen White cites studies for LTPO and DNR in support of the Tippecanoe ecozones concerning wave action, turbidity, clarity and other factors. After I conducted research of several of her cited studies, I found lakes the size of 14 acres, 14,000 acres and a study of a river over 50 miles in length and miles wide. These studies cannot be used as a bibliography and citations of establishing ecozones at Lake Tippecanoe. It's like comparing apples to oranges.

Lake Tippecanoe and James Lake are lakes for recreational purposes. According to IC-14-26-5.c.2 the State of Indiana for the public has a vested right in the preservation, protection, and enjoyment of all the public freshwater lakes of Indiana in their PRESENT STATE. Not 1938 or 1965 or even 1970's, 80's or 90's. Again, please do not establish ecozones at Lake Tippecanoe or James Lake until a true, objective unbiased study determines ecozones are needed.

Nancy Wright from Leesburg wrote by email on September 14, 2008:

I strongly oppose the proposal for a Lake Tippecanoe ecozone for the following reasons

- 1) there is no evidence that demonstrates the introduction of an ecozone will have the desired effect
- 2) The studies completed to date has a significant conflict of interest and is biased due to the relationship with the vendor and LTPO
- 3) There are other less caustic activities that could be introduced.
- 4) The proposed space is not reasonable

Jeff Tynan from Leesburg wrote by email on September 15, 2008:

I disagree with the eczone as proposed for Lake Tippecanoe, and Lake James. The 500 ft buoy markers will create an unsafe area of boating that is already a high traffic area. Additionally DNR personnel have not been able to state that this will help with the weed and algae problem on the lake. This was a stated goal for this whole ecozone.

Lyn Crighton Lake Tippecanoe Resident wrote by email on September 15, 2008:

Thank you so much for the excellent job you did facilitating the Lake Tippecanoe Ecozone hearing last month. I understand that some DNR staff were disappointed at the turnout, but I thought 100 participants was pretty good for a Thursday afternoon.

You have heard from me three times now – at 2 NRC hearings in Indianapolis and once in North Webster. I am still in favor of the Ecozone as it is proposed on both lakes.

However, in describing “how the hearing went” for several friends and colleagues, it occurred to me that the issues and conditions on the two lakes (James and Tippecanoe) are so different that it might have been better to propose two different Ecozones. Many residents speaking against the Ecozone were from James Lake, and kept their comments to this part of the proposal – not addressing the Lake Tippecanoe “flats” region. (This is just a thought to stick in your head for future proposals.)

These wetlands are vitally important to the health of these lakes, and restricting high speed boating in these areas is the critical first step toward protection and restoration.

The Ball Wetlands have had many partners and supporters over the years including the Ball Brothers Foundation, YMCA Camp Crosley, the Lake Tippecanoe Property Owners Association, The Nature Conservancy, and the Tippecanoe Environmental Lake & Watershed Foundation. It is quite possible that one or more of these organizations can obtain grants and raise funds to invest in restoration planting along the Lake Tippecanoe side of the wetlands where the most damage has occurred.

Restoration planting may be important if reestablishment of emergent vegetation is a criteria used to evaluate the success of the Ecozone. I would encourage the NRC and DNR to consider what these measurable criteria will be at the same time as the passing of the rule.

Thank you for the opportunity to again submit comment.

...

TITLE 312 NATURAL RESOURCES COMMISSION

Final Rule LSA Document #08-295(F)

DIGEST

Amends [312 IAC 5-6-9](#), governing the use of boats on Tippecanoe Lake, James Lake, and channels connected to these lakes in Kosciusko County, to establish special watercraft zones. Effective 30 days after filing with the Publisher.

312 IAC 5-6-9

SECTION 1. [312 IAC 5-6-9](#) IS AMENDED TO READ AS FOLLOWS:

312 IAC 5-6-9 Tippecanoe Lake and James Lake; special watercraft zones

Authority: [IC 14-10-2-4](#); [IC 14-15-7-3](#)

Affected: [IC 14](#)

Sec. 9. (a) This section establishes special watercraft zones in Kosciusko County on Tippecanoe Lake, James Lake, and channels connected to these lakes. Oswego Lake is:

- (1) exempted from this section; and
- (2) controlled by [312 IAC 5-11-12](#).

~~(a)~~ (b) Except as provided in subsection ~~(b)~~, (a), a person must not operate a watercraft in excess of ten (10) miles per hour on Tippecanoe Lake in Kosciusko County west of the east entrance to an area known as Bellrohr Channel. Bellrohr Channel leads connects to a basin of Lake Tippecanoe Lake that is sometimes referred to as Oswego Lake.

~~(b)~~ Oswego Lake is exempted from subsection (a) and is controlled by [312 IAC 5-11-12](#).

(c) A person must not operate a watercraft with other than a trolling motor or paddle in the Flats on the west side of the Ball Wetlands in Tippecanoe Lake. The boundary of the restricted zone:

- (1) begins on shore at SPC 2210825 (UTM 4574804) north and SPC 306682 (UTM 605075) east at the mouth of the Grassy Creek Channel;
- (2) continues in a northerly direction to the points:
 - (A) SPC 2211084 (UTM 4574883) north and SPC 306694 (UTM 605078) east;
 - (B) SPC 2211419 (UTM 4574985) north and SPC 306710 (UTM 605081) east;
 - (C) SPC 2211796 (UTM 4575102) north and SPC 307236 (UTM 605239) east;
 - (D) SPC 2212451 (UTM 4575304) north and SPC 307630 (UTM 605356) east; and
 - (E) SPC 2212483 (UTM 4575315) north and SPC 307897 (UTM 605438) east; and
- (3) concludes on shore at the mouth of the channel to James Lake at SPC 2212515 (UTM 4575326) north and SPC 308232 (UTM 605540) east.

(d) A person must not operate a watercraft in excess of idle speed in the following areas:

- (1) In Grassy Creek Channel south of the entrance to Tippecanoe Lake from a point at SPC 2211098 (UTM 4574886) north and SPC 306467 (UTM 605008) east.
- (2) In the channel between Tippecanoe Lake and James Lake beginning with a point in eastern Tippecanoe Lake at SPC 2212629 (UTM 4575358) north and SPC 307582 (UTM 605341) east and ending with a point in western James Lake at SPC 2212481 (UTM 4575322) north and SPC 309636 (UTM 605968) east.
- (3) In James Lake bordering the Ball Wetlands. The boundary of the restricted zone:

(A) begins at a point north of the channel to Tippecanoe Lake at SPC 2212864 (UTM 4575437) north and SPC 309179 (UTM 605826) east;

(B) continues in a southerly direction to the points:

(i) SPC 2212481 (UTM 4575322) north and SPC 309636 (UTM 605968) east;

(ii) SPC 2212626 (UTM 4575369) north and SPC 310139 (UTM 606120) east;

(iii) SPC 2212045 (UTM 4575194) north and SPC 310717 (UTM 606299) east;

(iv) SPC 2211233 (UTM 4574947) north and SPC 310629 (UTM 606276) east;

(v) SPC 2210783 (UTM 4574811) north and SPC 310971 (UTM 606382) east;

(vi) SPC 2209873 (UTM 4574533) north and SPC 310724 (UTM 606311) east;

(vii) SPC 2209521 (UTM 4574426) north and SPC 310856 (UTM 606353) east; and

(viii) SPC 2209302 (UTM 4574357) north and SPC 310387 (UTM 606211) east; and

(C) concludes with the southernmost point placed at SPC 2208961 (UTM 4574255) north and SPC 310797 (UTM 606338) east.

(4) Adjacent to Hoy's Landing in Tippecanoe Lake just north of the channel to James Lake. The boundary of the restricted zone:

(A) begins from shore at SPC 2213327 (UTM 4575570) north and SPC 307522 (UTM 605320) east;

(B) continues in a southeasterly direction to the points:

(i) SPC 2213107 (UTM 4575503) north and SPC 307546 (UTM 605328) east;

(ii) SPC 2212831 (UTM 4575419) north and SPC 307581 (UTM 605340) east; and

(iii) SPC 2212806 (UTM 4575414) north and SPC 307997 (UTM 605467) east; and

(C) concludes on shore at SPC 2212759 (UTM 4575401) north and SPC 308357 (UTM 605577) east.

(e) In order to be effective, a zone established under this section must include buoys placed on site under [312 IAC 5-4](#).

(f) Subsections (c) and (d) expire on January 1, 2014.

(Natural Resources Commission; [312 IAC 5-6-9](#); filed Mar 23, 2001, 2:50 p.m.: 24 IR 2374, eff Jan 1, 2002; readopted filed May 29, 2008, 1:53 p.m.: [20080625-IR-312080057RFA](#); filed Mar 2, 2009, 1:22 p.m.: [20090401-IR-312080295FRA](#))

LSA Document #08-286(F)

(Administrative Cause Number 08-047A)

Filed with the Publisher: November 5, 2008, 11:07 a.m.

Small Business Regulatory Coordinator

Stephen L. Lucas, Hearing Officer, Natural Resources Commission, Indiana Government Center North, 100 North Senate Avenue, Room N501, Indianapolis, IN 46204-2200, (317) 233-3322, slucas@nrc.in.gov

Document History

LSA Document #08-286(F)

Notice of Intent: 20080423-IR-312080286NIA

Proposed Rule: 20080604-IR-312080286PRA

Hearing Held: July 11, 2008

Approved by Attorney General: October 21, 2008

Approved by Governor: November 5, 2008

Filed with Publisher: November 5, 2008, 2:27 p.m.

Documents Incorporated by Reference: None Received by Publisher

SMALL BUSINESS REGULATORY COORDINATOR RECORD

On November 10, 2008, the Small Business Regulatory Coordinator, Stephen L. Lucas, filed the following:

Thank you for the notification. This rule amendment was mostly a housekeeping measure. No public comments were expected, and I have received none in my capacity as the small business regulatory coordinator nor in my capacity as hearing officer.

NATURAL RESOURCES COMMISSION MEETING

The Natural Resources gave final adoption to LSA Document #08-286(F) at its September 16, 2008 meeting. No public comments were received at this meeting.

Excerpt from Hearing Officer Report dated July 11, 2008:

...

2. Public Hearing and Other Comments

The public hearing was convened as scheduled on July 11, 2008 in Room 501, Indiana Government Center North, 100 North Senate Avenue, Indianapolis, Indiana. No member of the public appeared for the hearing. No public comments received, either orally or in writing, outside the hearing.

...

TITLE 312 NATURAL RESOURCES COMMISSION

Final Rule LSA Document #08-286(F)

DIGEST

Amends 312 IAC 1-1-21, which defines "lake" for rules in 312 IAC, to coordinate with a definition of "lake" added by SEA 41-2008 to IC 14-26-2 (sometimes referred to as the "Lakes Preservation Act"), to include bays and coves except for the determination of a "small lake" under IC 14-8-2-259, to clarify the inclusion of channels in a "public freshwater lake", and to specify that determinations are based upon the highest legal elevation, if a lake has more than one legal elevation. Effective 30 days after filing with the Publisher.

312 IAC 1-1-21

SECTION 1. 312 IAC 1-1-21 IS AMENDED TO READ AS FOLLOWS:

312 IAC 1-1-21 "Lake" defined

Authority: IC 14-10-2-4

Affected: IC 14-8-2-259; IC 14-15; IC 14-26-2; IC 14-26-3-1; IC 25

Sec. 21. (a) "Lake" means, except as provided in subsections (b) and (c), a reasonably permanent body of water substantially at rest in a depression in the surface of the earth, if both the depression and the body of water are of natural origin or part of a watercourse. If part of a watercourse, a lake may be formed by damming a river or stream.

(b) For purposes of IC 14-15, "lake" means a natural or an artificial lake.

(c) For purposes of IC 14-26-2, "lake" has the meaning set forth in IC 14-26-2-1.5.

~~(c)~~ (d) For purposes of IC 14-26-3, "lake" has the meaning set forth in IC 14-26-3-1.

(e) In determining the shoreline or water line of a lake, the following are included:

(1) A bay or cove, except for a determination of a small lake as defined under IC 14-8-2-259.

(2) A man-made channel connected to a public freshwater lake under 312 IAC 11-2-17, if the channel:

(A) existed on March 12, 1947;

(B) as a condition of a department license, was required to conform to IC 14-26-2-9 (or, before their repeals, to conform to IC 13-2-11-2 or IC 13-2-11.1-5); or

(C) was constructed without a department license required under IC 14-26-2 (or, before their repeals, under IC 13-2-11 or IC 13-2-11.1).

(3) If a lake has more than one (1) legal elevation, the highest legal elevation is used.

(Natural Resources Commission; 312 IAC 1-1-21; filed Dec 1, 1995, 10:00 a.m.: 19 IR 658; readopted filed May 8, 2001, 3:51 p.m.: 24 IR 2895; readopted filed May 29, 2007, 9:42 a.m.: 20070613-IR-312070111RFA; filed Nov 5, 2008, 2:27 p.m.: 20081203-IR-312080286FRA)

[Note: The final rule was corrected by LSA Document #08-286(AC). See below.]

TITLE 312 NATURAL RESOURCES COMMISSION

Agency Correction

LSA Document #08-286(AC)

Under [IC 4-22-2-38](#), corrects the following typographical, clerical, or spelling errors in LSA Document #08-286(F), posted at [20081203-IR-312080286FRA](#):

In [312 IAC 1-1-21](#)(a), delete "and (c)", and insert "through (d)".

Filed with Publisher: November 24, 2008, 11:07 a.m.

Under [IC 4-22-2-38](#)(g)(2), this correction takes effect 45 days from the date and time filed with the Publisher.

LSA Document #08-131(F)

(Administrative Cause Number 07-100W)

Filed with the Publisher: November 5, 2008, 2:32 p.m.

Small Business Regulatory Coordinator

James J. Hebenstreit, Assistant Director, Division of Water, Department of Natural Resources, Indiana Government Center South, 402 West Washington Street, Room W264, (317) 232-4165, jhebenstreit@dnr.in.gov

Document History

LSA Document #08-131(F)

Notice of Intent: 20080319-IR-312080131NIA

Proposed Rule: 20080604-IR-312080131PRA

Hearing Held: July 11, 2008

Approved by Attorney General: October 31, 2008

Approved by Governor: November 5, 2008

Filed with Publisher: November 5, 2008, 2:32 p.m.

Documents Incorporated by Reference: 43 U.S.C. 390b through 43 U.S.C. 390f

SMALL BUSINESS REGULATORY COORDINATOR RECORD

On November 7, 2008, the Small Business Regulatory Coordinator, James Hebenstreit, indicated that neither he nor his staff received any comments, questions or complaints from small business concerning the sale of water rules.

NATURAL RESOURCES COMMISSION MEETING

The Natural Resources gave final adoption to LSA Document #08-131(F) at its September 16, 2008 meeting. No public comments were received at this meeting.

Excerpt from Hearing Officer Report dated August 15, 2008:

...

2. Public Hearing and Written Comments

The public hearing was convened as scheduled on July 11, 2008 in Room 501, Indiana Government Center North, 100 North Senate Avenue, Indianapolis, Indiana. No member of the public appeared for the hearing.

Written comments were received by on July 10, 2008. On that date, Jack Wittman, Ph.D., CGWP and President of WHPA, Inc. in Bloomington, Indiana wrote:

As a professional hydrologist and a representative of the public on Indiana's Water Shortage Task Force, I am writing to you to support the proposed...312 IAC 6.3 that governs water withdrawal contracts from state reservoirs.

In the past the "trigger" used to define the status of water supplies in any area was the Palmer Hydrological Drought Index (PHDI). This indicator is referenced in the state's Water Shortage Plan and is very commonly used in more arid parts of the country. The PHDI is one of the first methods to define drought conditions and over the past 45 years it has proven to be a functional approach to identifying drought severity in agricultural areas. However, as our group learned from some of the experts that testified before the Task Force, other indices may provide the same technical information and be more sensitive to the kinds of drought that occur most often here in Indiana.

The Standardized Precipitation Index (SPI) being proposed to replace the PHDI is both simpler and more sensitive to the kinds of meteorological conditions that cause drought and water shortage in our state. Where the Palmer index may capture longer term concerns (e.g., soil moisture deficits) that could affect some water users, the SPI, in combination with some information about the flow conditions in streams and water levels in lakes, is a better tool for the job. Our group learned that many other states use such a combined approach to distinguish between regions that have a shortage and those that are not in deficit.

Consequently, as a representative of the Task Force and as a professional watershed scientist and groundwater hydrologist, I want to lend my support to this revision in the rule. In effect, this change will make the state's approach to declaring drought alerts more responsive to the shorter duration events that can cause problems for public water supplies and effectively manage the agency response.

Please let me know if you have any questions about this letter or the reasons for my support of this improvement in the definition of drought in the state.

No other comments were received from the public concerning the proposed rule.

...

TITLE 312 NATURAL RESOURCES COMMISSION

Final Rule LSA Document #08-131(F)

DIGEST

Adds 312 IAC 6.3 to assist with the application of P.L.231-2007 to IC 14-25-2 with respect to water withdrawal contracts for water supply purposes from the water supply in reservoir impoundments that are financed by the state. Effective 30 days after filing with the Publisher.

312 IAC 6.3

SECTION 1. 312 IAC 6.3 IS ADDED TO READ AS FOLLOWS:

ARTICLE 6.3. WATER WITHDRAWAL CONTRACTS FROM STATE RESERVOIRS

Rule 1. Applicability

312 IAC 6.3-1-1 Purpose and scope

Authority: IC 14-10-2-4; IC 14-25-2-5

Affected: IC 14-25-2

Sec. 1. (a) This article assists with the application of P.L.231-2007 to IC 14-25-2.

(b) The article applies to contracts for the withdrawal or release of water supply storage from a reservoir, including provisions for the following:

- (1) The review of contract proposals.**
- (2) The administration of contracts.**
- (3) The expiration or other termination of contracts.**

(c) A person must not withdraw or obtain the release of water from a reservoir except as provided in:

- (1) the terms of a contract; or**
- (2) an exemption from a contract requirement under IC 14-25-2 and this article.**

(Natural Resources Commission; 312 IAC 6.3-1-1; filed Nov 5, 2008, 2:32 p.m.: 20081203-IR-312080131FRA)

312 IAC 6.3-1-2 Applicability to contracts for water withdrawals

Authority: IC 14-10-2-4; IC 14-25-2-5

Affected: IC 14-25-2

Sec. 2. (a) This article governs the procedures for, and the substance of, consideration of any contract proposal made to the state and submitted to the division after February 28, 2009, for the withdrawal or release of water from the water supply storage of a reservoir.

(b) A contract for the withdrawal or release of water supply storage from a reservoir, which was entered by the state before March 1, 2009, is governed by the terms of the contract and by any statute or rule in effect when the contract was entered.

(c) Upon the expiration or termination of a contract governed by subsection (a) or (b), any water withdrawal or taking of a release must cease unless a new contract is approved under IC 14-25-2 and this article.

(Natural Resources Commission; 312 IAC 6.3-1-2; filed Nov 5, 2008, 2:32 p.m.: 20081203-IR-312080131FRA)

312 IAC 6.3-1-3 Administration by the department's division of water

Authority: IC 14-10-2-4; IC 14-25-1-11

Affected: IC 14-10-2-3; IC 14-25-2

Sec. 3. (a) The division shall:

- (1) serve as the point of contact; and**
- (2) coordinate the administrative, professional, and technical functions of this article.**

(b) Subject to IC 14-10-2-3, the division director shall issue any order appropriate to implementation of this article.

(Natural Resources Commission; 312 IAC 6.3-1-3; filed Nov 5, 2008, 2:32 p.m.: 20081203-IR-312080131FRA)

Rule 2. Definitions

312 IAC 6.3-2-1 Definitions applicable to water withdrawal contracts

Authority: IC 14-10-2-4; IC 14-25-2-5

Affected: IC 14-8; IC 14-25-2

Sec. 1. This rule provides definitions that:

- (1) apply to this article; and**
- (2) are in addition to those set forth in:**
 - (A) IC 14-8;**
 - (B) IC 14-25-2; and**
 - (C) 312 IAC 1.**

(Natural Resources Commission; 312 IAC 6.3-2-1; filed Nov 5, 2008, 2:32 p.m.: 20081203-IR-312080131FRA)

312 IAC 6.3-2-2 "Authorizing legislation" defined

Authority: IC 14-10-2-4; IC 14-25-2-5

Affected: IC 14-25-2; IC 14-26-4-12

Sec. 2. "Authorizing legislation" means the federal or state legislation that provides legal authority for the construction or maintenance of a reservoir. Examples are as follows:

- (1) 43 U.S.C. 390b to 43 U.S.C. 390f.**
- (2) IC 14-26-4-12.**
- (3) With respect to a contract for water withdrawal or a release of water described in 312 IAC 6.3-1-2, any federal or state legislation cited in the contract.**

(Natural Resources Commission; 312 IAC 6.3-2-2; filed Nov 5, 2008, 2:32 p.m.: 20081203-IR-312080131FRA)

312 IAC 6.3-2-3 "Corps of engineers" defined

Authority: IC 14-10-2-4; IC 14-25-2-5

Affected: IC 14-25-2

Sec. 3. "Corps of engineers" refers to the U.S. Army Corps of Engineers.
(Natural Resources Commission; 312 IAC 6.3-2-3; filed Nov 5, 2008, 2:32 p.m.: 20081203-IR-312080131FRA)

312 IAC 6.3-2-4 "Division" defined

Authority: IC 14-10-2-4; IC 14-25-2-5
Affected: IC 14-25-2

Sec. 4. "Division" refers to the division of water of the department unless another division of the department is specified.

(Natural Resources Commission; 312 IAC 6.3-2-4; filed Nov 5, 2008, 2:32 p.m.: 20081203-IR-312080131FRA)

312 IAC 6.3-2-5 "Minimum quantities of stream flow" defined and determined

Authority: IC 14-10-2-4; IC 14-25-2-5
Affected: IC 4-21.5-3-5; IC 14-25-2; IC 14-25-7-14

Sec. 5. (a) Except as provided in this section, "minimum quantities of stream flow" refers to an order, which implements the standards of IC 14-25-7-14, determined at a point of discharge of a reservoir's outlet works.

(b) With respect to the following reservoirs, "minimum quantities of stream flow" refers to the following:

- (1) For Brookville Lake, forty (40) cubic feet per second above elevation seven hundred thirteen (713) feet, National Geodetic Vertical Datum of 1929 (NGVD-29).**
- (2) For Hardy Lake, five-tenths (0.5) cubic feet per second.**
- (3) For Monroe Lake, fifty (50) cubic feet per second whenever the reservoir pool is above elevation five hundred fifteen (515) feet, National Geodetic Vertical Datum of 1929 (NGVD-29). When lower than this elevation, the minimum quantities of stream flow are as determined by the corps of engineers.**
- (4) For Patoka Lake, five (5) cubic feet per second whenever the reservoir pool is above elevation five hundred six (506) feet, National Geodetic Vertical Datum of 1929 (NGVD-29). When lower than this elevation, the minimum quantities of stream flow are as determined by the corps of engineers.**

(c) A person may petition the division director to determine an impoundment, not listed in subsection (b), is a reservoir subject to this article. If the petition is granted, the division director shall also determine the minimum quantities of stream flow for the reservoir. A determination under this subsection is a determination of status under IC 4-21.5-3-5.

(Natural Resources Commission; 312 IAC 6.3-2-5; filed Nov 5, 2008, 2:32 p.m.: 20081203-IR-312080131FRA)

312 IAC 6.3-2-6 "Reservoir" defined

Authority: IC 14-10-2-4; IC 14-25-2-5
Affected: IC 14-25-2

Sec. 6. "Reservoir" means an impoundment that:

- (1) contains water supply storage; and**
- (2) was financed, or parts of which were financed, by the state.**

(Natural Resources Commission; 312 IAC 6.3-2-6; filed Nov 5, 2008, 2:32 p.m.: 20081203-IR-312080131FRA)

312 IAC 6.3-2-7 "Withdrawal or release of water" defined

Authority: IC 14-10-2-4; IC 14-25-2-5

Affected: IC 14-25-2

Sec. 7. "Withdrawal or release of water" means the:

- (1) physical removal of water from or beneath a reservoir; or**
- (2) outflow of water from a reservoir to maintain stream flow.**

(Natural Resources Commission; 312 IAC 6.3-2-7; filed Nov 5, 2008, 2:32 p.m.: 20081203-IR-312080131FRA)

Rule 3. Procedures

312 IAC 6.3-3-1 Request for water withdrawal or release from a reservoir

Authority: IC 14-10-2-4; IC 14-25-2-5

Affected: IC 14-25-2-2

Sec. 1. (a) A person that seeks to contract with the commission for the:

- (1) provision of certain minimum quantities of stream flow; or**
 - (2) sale of water on a unit pricing basis;**
- under IC 14-25-2-2, must submit a written request to the division under this article.**

(b) A written request under subsection (a) must be completed and must include the following information:

- (1) The name, address, e-mail address, and telephone number of the following:**
 - (A) The person that would enter the contract.**
 - (B) At least one (1) individual to serve as a point of contact for the person that would enter the contract.**
- (2) If another person is acting for the person described in subdivision (1), the same information for the other person as is described in subdivision (1).**
- (3) The location where any withdrawal or release from a reservoir would occur.**
- (4) The proposed use or uses of the withdrawal or release.**
- (5) The location of the proposed use or uses described in subdivision (4).**
- (6) The proposed daily limit for the withdrawal or release of water (or pump capacity, if the limit is proposed to be based upon a pump capacity).**
- (7) The proposed term, in years, of the contract and a justification for the proposed term.**
- (8) The proposed method for measuring the withdrawal or release of water.**
- (9) A summary of alternative water supply sources that were considered.**
- (10) A justification for why the reservoir is the most economic or feasible supply source.**
- (11) A conservation plan.**

(c) A written request under subsection (a) is not complete until the person submits, as part of the application:

- (1) a contingency plan that describes the alternatives the person will use if the withdrawal or release of water from the reservoir is restricted due to a drought alert described in 312 IAC 6.3-5-2; or**
- (2) a statement that the person agrees to withstand the results of not being able to receive water from the reservoir.**

(d) A contract shall not be executed unless the:

- (1) contingency plan is feasible; or**
- (2) person seeking the contract agrees to withstand the results of not being able to receive water from the reservoir.**

(Natural Resources Commission; 312 IAC 6.3-3-1; filed Nov 5, 2008, 2:32 p.m.: 20081203-IR-312080131FRA)

312 IAC 6.3-3-2 Notice by division of water to interested persons

Authority: IC 14-10-2-4; IC 14-25-2-5

Affected: IC 14-25-2-2.5

Sec. 2. The division shall provide notice as follows:

- (1) Not later than thirty (30) days after receiving a complete request under section 1 of this rule, provide notice by certified mail to the persons described in IC 14-25-2-2.5(c).**
- (2) As soon as practicable, cause notice by publication in each county described in IC 14-25-2-2.5(f).**
(Natural Resources Commission; 312 IAC 6.3-3-2; filed Nov 5, 2008, 2:32 p.m.: 20081203-IR-312080131FRA)

312 IAC 6.3-3-3 Public meetings

Authority: IC 14-10-2-4; IC 14-25-2-5

Affected: IC 4-21.5; IC 14-25-2-2.5

Sec. 3. (a) The division director shall appoint a department employee to serve as hearing officer for any public meeting under IC 14-25-2-2.5(h).

(b) The public meeting shall include the following:

(1) A presentation by the department describing the following:

(A) The nature of the pending request.

(B) The process by which the commission will determine whether to enter into a contract with the person making the request. The process shall reference IC 14-25-2 and this article.

(2) An opportunity for public comment on the pending request.

(c) A hearing officer shall conduct the public meeting in a manner that is best suited to the solicitation of public comments in support of fact-finding. Neither the rules of evidence nor IC 4-21.5 apply.

(d) A hearing officer shall maintain a record of the public meeting to assist in providing written recommendations to the advisory council. Any other person may also cause a recording to be made of the public meeting, but the official record is maintained by the hearing officer.

(Natural Resources Commission; 312 IAC 6.3-3-3; filed Nov 5, 2008, 2:32 p.m.: 20081203-IR-312080131FRA)

312 IAC 6.3-3-4 Advisory council report summary and recommendations

Authority: IC 14-10-2-4; IC 14-25-2-5

Affected: IC 5-14-1.5; IC 14-25-2-2

Sec. 4. (a) As soon as practicable following the public meeting, the hearing officer shall deliver a written summary of the meeting and any recommendations to the advisory council.

(b) The written summary required under subsection (a) shall, in anticipation of the memorandum required under IC 14-25-2-2(c), also consider the effect that exercise of the contract may have on recreational facilities.

(c) The advisory council shall consider the hearing officer's written summary and recommendations during a public meeting held under IC 5-14-1.5.

(d) The advisory council is not limited to the written summary and recommendations of the hearing officer, but may also consider the following:

- (1) Recommendations of the division of state parks and reservoirs or another division of the department that manages the reservoir from which the water would be withdrawn or released.**
- (2) Recommendations from a federal, state, or local agency with expertise regarding water usage and supply.**
- (3) Information received before or during an advisory council meeting.**

(e) Not later than thirty (30) days after the final public meeting under section 3 of this rule, the advisory council shall submit to the commission a report summarizing the public meeting or meetings. The report may be accompanied by recommendations that duplicate, augment, or contrast with those of the hearing officer.

(Natural Resources Commission; 312 IAC 6.3-3-4; filed Nov 5, 2008, 2:32 p.m.: 20081203-IR-312080131FRA)

312 IAC 6.3-3-5 Commission action on contract and subsequent approvals

Authority: IC 14-10-2-4; IC 14-25-2-5

Affected: IC 4-21.5-2-5; IC 5-14-1.5; IC 14-25-2-2

Sec. 5. (a) During a public meeting under IC 5-14-1.5, the commission may deliberate as to whether to approve a person's written request for the:

- (1) provision of certain minimum quantities of stream flow; or**
- (2) sale of water on a unit pricing basis.**

(b) The commission shall include in its deliberations a consideration of the following:

- (1) The standards provided by IC 14-25-2 and this article.**
- (2) The report of the advisory council submitted under section 4(e) of this rule.**
- (3) Other statements or documents the commission elects to receive before or during the meeting.**

(c) Consistent with subsection (b), the commission:

- (1) shall determine to approve, condition, or deny a person's request; and**
- (2) may elect to execute a contract under IC 14-25-2-2(a)(1).**

If the commission elects to execute a contract, the contract shall be delivered to the division. A determination under this subsection is governed by IC 4-21.5-2-5(11).

(d) Within twenty (20) days after receiving a contract delivered under subsection (c), the division shall submit the memorandum required under IC 14-25-2-2(c)(2) to the governor for the governor's consideration.

(e) A contract executed by the commission under subsection (c) is subject to approval by each of the following:

- (1) The attorney general.**
- (2) The governor.**
- (3) The person desiring the use.**

(Natural Resources Commission; 312 IAC 6.3-3-5; filed Nov 5, 2008, 2:32 p.m.: 20081203-IR-312080131FRA)

Rule 4. Contract Terms and Conditions

312 IAC 6.3-4-1 Water allocation factors

Authority: IC 14-10-2-4; IC 14-25-2-5

Affected: IC 14-25-1-3; IC 14-25-2

Sec. 1. This section establishes the following factors that the commission shall consider in reviewing, and for acting upon, a person's written request for the provision of certain minimum quantities of stream flow or for the sale of water on a unit pricing basis:

- (1) The terms, conditions, and purposes of the authorizing legislation.**
- (2) The likelihood of adverse effects to:**
 - (A) public safety;**
 - (B) the environment;**
 - (C) navigation; or**
 - (D) recreation.**
- (3) The availability of another source of water to the person making the request.**
- (4) The proximity to the reservoir of any person that would receive water from the person making the request.**
- (5) Water allocation priorities for use of the water as follows:**
 - (A) First priority is for the use of water for domestic purposes as described in IC 14-25-1-3.**
 - (B) Second priority is for the use of health and safety.**
 - (C) Third priority is for power production that meets the contingency planning provisions of the drought alerts described in 312 IAC 6.3-5-2.**
 - (D) Fourth priority is for industry and agriculture (not described in clause (A), (B), or (C)) that meets the contingency planning provisions of the drought alerts described in 312 IAC 6.3-5-2.**
 - (E) Fifth priority is for a purpose described in clause (C) or (D) that does not meet the contingency planning provisions of the drought alerts described in 312 IAC 6.3-5-2.**
 - (F) Sixth priority is for any other purpose.**
- (6) If the person making the request provides water to others (and the others provide for uses that include multiple priorities under subdivision (5)), the extent to which the person demonstrates an ability to implement the priorities for water allocation that are set by subdivision (5).**

(Natural Resources Commission; 312 IAC 6.3-4-1; filed Nov 5, 2008, 2:32 p.m.: 20081203-IR-312080131FRA)

312 IAC 6.3-4-2 Duration of a contract

Authority: IC 14-10-2-4; IC 14-25-2-5

Affected: IC 14-25-2; IC 14-25-7-11

Sec. 2. (a) The commission shall not approve a contract that covers a period that is longer than authorized by a plan for water resource management approved under IC 14-25-7-11.

(b) In determining the duration of a contract, the commission may consider the water allocation factors in section 1 of this rule.

(c) Notwithstanding subsections (a) and (b), a contract entered under IC 14-25-2 and this article shall not cover a period of more than fifty (50) years.

(Natural Resources Commission; 312 IAC 6.3-4-2; filed Nov 5, 2008, 2:32 p.m.: 20081203-IR-312080131FRA)

Rule 5. Drought Alerts and Emergency Measures

312 IAC 6.3-5-1 Application of rule for drought alerts and emergencies

Authority: IC 14-10-2-4; IC 14-25-2-5

Affected: IC 14-25-2

Sec. 1. Unless exempted by 312 IAC 6.3-1-2(b), this rule governs any contract for a water withdrawal or release from a reservoir that occurs during a drought alert or another emergency.

(Natural Resources Commission; 312 IAC 6.3-5-1; filed Nov 5, 2008, 2:32 p.m.: 20081203-IR-312080131FRA)

312 IAC 6.3-5-2 Drought alerts

Authority: IC 14-10-2-4; IC 14-25-2-5

Affected: IC 14-25-2

Sec. 2. (a) The director of the department may declare a drought alert for a designated reservoir based upon a drought emergency plan approved by the commission. A drought alert shall apply the Standardized Precipitation Index, U.S. Drought Monitor and below normal percentile of regionalized monthly average stream flow.

(b) From least severe to most severe, a drought alert shall be declared as a:

- (1) drought watch;**
- (2) drought warning; or**
- (3) drought emergency.**

(c) Contingency plans shall be specified for a drought alert in any of the following:

- (1) A drought emergency plan approved by the commission.**
- (2) The terms of a particular drought alert.**
- (3) A contract for the withdrawal of water or the release of water from a reservoir.**

(d) The stages of drought alerts and their associated criteria are as follows:

- (1) A declaration of drought watch is appropriate when at least two (2) of the following occur:**
 - (A) The Standardize Precipitation Index is -1.00 to -1.49.**
 - (B) The stream flow as a percentile of normal is ten (10) to twenty-four (24).**
 - (C) The U.S. Drought Monitor value is D1 or more severe.**
- (2) A declaration of drought warning is appropriate when at least two (2) of the following occur:**
 - (A) The Standardized Precipitation Index is -1.50 to -1.99.**
 - (B) The stream flow as a percentile of normal is six (6) to nine (9).**
 - (C) The U.S. Drought Monitor value is D2 or more severe.**
- (3) A declaration of drought emergency is appropriate when at least two (2) of the following occur:**
 - (A) The Standardized Precipitation Index is -2.00 or less.**
 - (B) The stream flow as a percentile of normal is five (5) or less.**
 - (C) The U.S. Drought Monitor value is from D3 to D4.**

(Natural Resources Commission; 312 IAC 6.3-5-2; filed Nov 5, 2008, 2:32 p.m.: 20081203-IR-312080131FRA)

312 IAC 6.3-5-3 Emergency measures to protect life or property

Authority: IC 14-10-2-4; IC 14-25-2-5

Affected: IC 14-25-2

Sec. 3. (a) The department and the corps of engineers may take the emergency measures they individually or jointly determine necessary in the operation of a reservoir, including lowering the elevation of the water below an elevation at which water may be withdrawn or released under a contract, to protect life or property.

(b) Notwithstanding subsection (a), the department and the corps of engineers may enter any agreement between them as to which governmental entity shall exercise the authority described in subsection (a).

(c) A contract entered under this article for the withdrawal or release of water from a reservoir is subordinate to an exercise of authority under this section.

(d) No third person has a right of action against the department or the corps of engineers based upon an exercise of authority under this section.

(Natural Resources Commission; 312 IAC 6.3-5-3; filed Nov 5, 2008, 2:32 p.m.: 20081203-IR-312080131FRA)

Rule 6. Enforcement

312 IAC 6.3-6-1 Enforcement

Authority: IC 14-10-2-4; IC 14-25-2-5

Affected: IC 14-25-2

Sec. 1. (a) The secretary of the commission may suspend or revoke any contract for the withdrawal or release of water where the person obtaining the contract:

(1) Breaches the contract.

(2) Violates IC 14-25-2 or this article.

(3) For any improvement constructed or caused by the person to be constructed with respect to the withdrawal or release of water or for the subsequent distribution of the water, fails to exercise due diligence to require another person using the improvement to conduct activities consistently with:

(A) the contract;

(B) IC 14-25-2; and

(C) this article.

(b) The remedy described in subsection (a) is in addition to any other remedy provided by law.

(Natural Resources Commission; 312 IAC 6.3-6-1; filed Nov 5, 2008, 2:32 p.m.: 20081203-IR-312080131FRA)

LSA Document #08-76(F)

(Administrative Cause Number 08-005E)

Filed with the Publisher: September 19, 2008, 10:23 a.m.

Small Business Regulatory Coordinator

Philip T. Marshall, Department of Natural Resources, Division of Entomology and Plant Pathology, Indiana Government Center-South, 402 West Washington Street, Room W290, Indianapolis, IN 46204, (812) 358-9034

Document History

LSA Document #08-76(F)

Intent to Readopt Rules: [20080220-IR-312080076RNA](#)

Filed with Publisher: September 19, 2008, 10:23 a.m.

SMALL BUSINESS REGULATORY COORDINATOR RECORD

The Small Business Regulatory Coordinator did not file a report subject to IC 4-22-2-28.1(j).

NATURAL RESOURCES COMMISSION MEETING

The Natural Resources gave final adoption to LSA Document #09-76(F) at its September 19, 2008 meeting. No public comments were received at this meeting.

Excerpt from Hearing Officer Report dated August 20, 2008:

...

C. NOTICE OF INTENT TO READOPT AND RECOMMENDATION FOR FINAL ACTION

A “Notice of Intent to Readopt” was posted to the INDIANA REGISTER database website as 20080220-IR 312080076RNA on February 20, 2008 as anticipated by IC 4-22-2.5-2 and IC 4-22-2.5-4. The notice indicated the intention to readopt the entirety of 312 IAC 18 without changes. The notice provided that a person had 30 days to submit a written request to the Natural Resources Commission seeking to have a particular section of the rule readopted separately. If such a request had been made, the Commission would have been required to complete the full rule adoption process for the section requested to be readopted separately. In this instance, no written request has been received, in which case the Commission may either submit the rule for filing with the publisher under IC 4-22-2-35 or elect the procedure for readoption under IC 4-22-2. The recommendation is that the Commission approval submittal of the rule for filing with the publisher.

...

TITLE 312 NATURAL RESOURCES COMMISSION

Readopted Final Rule LSA Document #08-76(F)

DIGEST

Readopts rules in anticipation of [IC 4-22-2.5-2](#), providing that an administrative rule adopted under [IC 4-22-2](#) expires January 1 of the seventh year after the year in which the rule takes effect unless the rule contains an earlier expiration date. Effective 30 days after filing with the Publisher.

312 IAC 18

SECTION 1. UNDER [IC 4-22-2.5-4](#), THE FOLLOWING ARE READOPTED:

[312 IAC 18](#) ENTOMOLOGY AND PLANT PATHOLOGY

LSA Document #08-72(F)

(Administrative Cause Number 08-004W)

Filed with the Publisher: July 21, 2008, 12:00 p.m.

Small Business Regulatory Coordinator

George Bowman, Department of Natural Resources, Division of Water, Indiana
Government Center-South, 402 West Washington Street, Room W264, Indianapolis, IN
46204, (317) 232-4166, gbowman@dnr.in.gov

Document History

LSA Document #08-72(F)

Intent to Readopt Rules: [20080213-IR-312080072RNA](#)

Filed with Publisher: July 21, 2008, 12:00 p.m.

SMALL BUSINESS REGULATORY COORDINATOR RECORD

The Small Business Regulatory Coordinator did not file a report subject to IC 4-22-2-28.1(j).

NATURAL RESOURCES COMMISSION MEETING

The Natural Resources gave final adoption to LSA Document #08-72(F) at July 21, 2009 meeting. No public comments were received at this meeting.

Excerpt from Hearing Officer Report dated June 18, 2008:

...

C. NOTICE OF INTENT TO READOPT AND RECOMMENDATION FOR FINAL ACTION

A “Notice of Intent to Readopt” 312 IAC 10 was published in the Indiana REGISTER on February 13, 2008 as anticipated by IC 4-22-2.5-2 and IC 4-22-2.5-4. The notice indicated the intention to readopt the entirety of 312 IAC 10 without changes. The notice provided that a person had 30 days to submit a written request to the Natural Resources Commission seeking to have a particular section of the rule be readopted separately from the general recodification. If such a request had been made, the Commission would have been required to complete the full rule adoption process for the section. No written request was made. Where no request is received, the Commission may either submit the rule for filing with the Publisher under IC 4-22-2-35 or elect the procedure for recodification under IC 4-22-2. The hearing officer recommends the Commission approve submittal of the rule for filing with the Publisher.

...

TITLE 312 NATURAL RESOURCES COMMISSION

Readopted Final Rule LSA Document #08-72(F)

DIGEST

Readopts rules in anticipation of IC 4-22-2.5-2, providing that an administrative rule adopted under IC 4-22-2 expires January 1 of the seventh year after the year in which the rule takes effect unless the rule contains an earlier expiration date. Effective 30 days after filing with the Publisher.

312 IAC 10

SECTION 1. UNDER IC 4-22-2.5-4, THE FOLLOWING ARE READOPTED:

312 IAC 10 FLOOD PLAIN MANAGEMENT

LSA Document #08-52(F)

(Administrative Cause Numbers 08-001A and 08-002A)

Filed with the Publisher: July 21, 2008, 12:16 p.m.

Small Business Regulatory Coordinator

Jennifer M. Kane, Natural Resources Commission, Division of Hearings, Indiana
Government Center-North, 100 North Senate Avenue, Room N501A, Indianapolis, IN
46204, (317) 232-0156, jkane@nrc.in.gov

Document History

LSA Document #08-52(F)

Intent to Readopt Rules: [20080123-IR-312080052RNA](#)

Filed with Publisher: July 21, 2008, 12:16 p.m.

SMALL BUSINESS REGULATORY COORDINATOR RECORD

On July 21, 2008, the Small Business Regulatory Coordinator, Jennifer Kane, filed the following:

No comments, complaints or questions were received regarding the readoption of 312 IAC 2 and 312 IAC 3.

NATURAL RESOURCES COMMISSION MEETING

The Natural Resources gave final adoption to LSA Document #08-52(F) at its July 15, 2009 meeting. No public comments were received at this meeting.

Excerpt from Hearing Officer Report dated May 7, 2008 and may 23, 2008:

...

Regarding 312 IAC 2:

...

C. NOTICE OF INTENT TO READOPT AND RECOMMENDATION FOR FINAL ACTION

A “Notice of Intent to Readopt” was published in the Indiana REGISTER on January 23, 2008 as anticipated by IC 4-22-2.5-2 and IC 4-22-2.5-4. The notice indicated the intention to readopt the entirety of 312 IAC 2 and 312 IAC 3 without changes. The notice provided that a person had 30 days to submit a written request to the Natural Resources Commission seeking to have a particular section of the rules be readopted separately from the general recodification. If such a request is made, the Commission would be required to complete the full rule adoption process for the section. No written request has been received. Where no request is received, the Commission may either submit the rules for filing with the publisher under IC 4-22-2-35 or elect the procedure for recodification under IC 4-22-2. For the purposes of the recodification, retention of the current language is found to be appropriate.

...

Regarding 312 IAC 3:

...

C. NOTICE OF INTENT TO READOPT AND RECOMMENDATION FOR FINAL ACTION

A “Notice of Intent to Readopt” was published in the Indiana REGISTER on January 23, 2008 as anticipated by IC 4-22-2.5-2 and IC 4-22-2.5-4. The notice indicated the intention to readopt the entirety of 312 IAC 3 without changes. The notice provided that a person had 30 days to submit a written request to the Natural Resources Commission seeking to have a particular section of the rules be readopted separately from the general recodification. If such a request is made, the Commission would be required to complete the full rule adoption process for the section. No written request has been received. Where no request is received, the Commission may either submit the rules for filing with the publisher under IC 4-22-2-35 or elect the procedure for recodification under IC 4-22-2. For the purposes of the recodification, retention of the current language is found to be appropriate.

...

TITLE 312 NATURAL RESOURCES COMMISSION

Readopted Final Rule LSA Document #08-52(F)

DIGEST

Readopts rules in anticipation of IC 4-22-2.5-2, providing that an administrative rule adopted under IC 4-22-2 expires January 1 of the seventh year after the year in which the rule takes effect unless the rule contains an earlier expiration date. Effective 30 days after filing with the Publisher.

312 IAC 2; 312 IAC 3

SECTION 1. UNDER IC 4-22-2.5-4, THE FOLLOWING ARE READOPTED:

312 IAC 2 PROCEDURES AND DELEGATIONS
ADJUDICATORY PROCEEDINGS
312 IAC 3

LSA Document #07-749(F)

(Administrative Cause Number 07-196D)

Filed with the Publisher: July 31, 2008, 4:06 p.m.

Small Business Regulatory Coordinator

Linnea Petercheff, Staff Specialist, Division of Fish and Wildlife, Department of Natural Resources, Indiana Government Center South, 402 West Washington Street, Room W273, Indianapolis, Indiana 46204, (317) 233-6527, lpetercheff@dnr.in.gov.

Document History

LSA Document #07-749(F)

Notice of Intent: 20071114-IR-312070749NIA

Proposed Rule: 20080326-IR-312070749PRA

Hearing Held: April 24, 2008

Approved by Attorney General: July 25, 2008

Approved by Governor: July 31, 2008

Filed with Publisher: July 31, 2008, 4:06 p.m.

Documents Incorporated by Reference: None Received by Publisher

SMALL BUSINESS REGULATORY COORDINATOR RECORD

On November 7, 2008, the Small Business Regulatory Coordinator, Linnea Petercheff, filed the following:

Three questions were received from individuals that may operate as a small business with respect to the rule governing the possession and sale of coyotes in 312 IAC 9-3-12. The questions were about legal methods that could be used to take the coyotes, a request for a copy of the fiscal analysis on this rule, and a question about the permits required to possess a coyote throughout the year.

NATURAL RESOURCES COMMISSION MEETING

The Natural Resources gave final adoption to LSA Document #07-749(F) at its July 15, 2008 meeting. Public comments were received at this meeting and are included below.

Casey Pheiffer, representing The Humane Society of the United States, stated that the membership from Indiana and across the country “believe that this issue affects them...and rarely has a day gone by when we haven’t heard from one of our members expressing their shock that this practice is even legal and associated wildlife trade of coyotes exists.” She said some of the Society’s members live “next door” to the running pens and have seen maimed coyotes. “There is no doubt what happens to these coyotes when they enter these pens.” Pheiffer noted that in 2006 one South Carolina pen stocked 404 coyotes; however, in 2007 404 coyotes were again stocked. “This is definitely a humane issue, and I thank the Commission for considering these humane issue as well as the law enforcement issues.”

Karin McKenna indicated that she was representing herself and commented that through research she found that “Indiana is known for having the premier live-market trapping”. She noted that the Indiana Farm Bureau was against the initial rule proposal. In conclusion, she said, “You’re either are for this because you think it’s a fun and ethical thing to do or you are against it because you don’t think Hoosiers think this is fun.”

Ce Ann Lambert from the Indiana Coyote Rescue Center stated that she worked with Dr. Klinghammer at Wolf Park for over 20 years studying the captive behavior of coyotes. “These coyotes are not the demons that the trappers would like for us to think they are...coyotes have a social order and a language of their own...they are animals that have feelings of a higher order in the animal world.” She noted that statutes allow trappers to trap coyotes and “do whatever they want with them. The one statute that really does irritate me is the one that exempts trappers from our animal abuse laws.” Lambert said, “I can’t change statute, but I can back the DNR when they want a new administrative rule that says trappers can’t participate in this abusive activity of dog training.”

Leif Baierl, speaking on behalf of Indiana Coyote Rescue, said he spent last year researching coyotes in Yellow Stone National Park with Robert Crabtree, who has been researching coyotes for over 20 years. Baierl read a quote from Crabtree, “The coyotes that are attacked by humans the more they become entrenched...coyotes kill sheep so we kill coyotes, but the truth is nature is extraordinarily dynamic. If we simply stop killing coyotes we might actually reduce the coyote population.” Baierl said that research “suggests” that coyotes have a “survival mechanism when they are being hunted by wolves or humans, the number of pups that survive to adult is increased significantly”.

Gordon Ingle, representing a cooperative between the Fur Trappers of America and other interested groups, stated that he has in 21 years of practicing law reviewed many reports and commended Jensen for a “great job” summarizing the issues. He said the Department has an “incorrect assumption” in the promulgation of the current rule proposal. He noted that in 1987 the Legislature passed a statute that allowed for coyotes to be taken at any time on a landowner’s property either by the landowner or someone with written permission. “This law had a sunset provision when the law ended in 1991. When this law was reintroduced in 1991, the title of the bill was ‘perpetual open season on coyotes.’” He said the legislative history “makes clear” the perpetual open season on coyotes. That’s not to diminish the arguments these people are making.”

Ingle said, "This battle should not be fought here in front of this Commission. It should be in front of the Legislature, because the Legislature is the one that passed the statute. I respectfully submit to this Commission that if you pass this revision that you are, in fact, outside the scope of your authority." He added, "There is nothing in the definition of 'take' under Indiana Code 14-8-2-278 that says 'sell' or 'possess'".

Tim Julien, President of the National Wildlife Control Operator's Association, noted that the issue is not about nuisance coyotes. "The intent in our interpretation was indefinitely to have a season year round and dispose of those furbearers in accordance with the law". He said the Association filed recommendations to "enforce the current laws. Require trappers to sell to game breeders and fur buyers. Trappers can't openly buy coyotes and sell them. That's a misconception that has been perpetrated here." He said rules exist to protect the coyotes that are captured live and to sell them live. "This is not a running pen issue, and I'm sick of hearing 'running pens'. A 'bait coyote', I don't even know what that is." Julien said that there is "a lot of anger in the community in regards to how this was handled." He said the issue is not population control. "Coyotes are not managed to reduce the population, but to maintain a healthy population."

Julien said that that a previous commenter misquoted Crabtree. He said Crabtree found that hunting coyotes causes "a reduction of density and the number of coyotes does occur. And, it doesn't increase the litter size at birth. These are direct quotes from [Crabtree's] study." Julien concluded, "The effect of this rule change is if you take away the incentive for a fur trapper to capture and sell furbearers as allowed in law, what will happen is I will have to step in and take care of those problem animals. It won't increase or decrease the number of problem animals. What will change is who will pay for them."

Tim Rose, from Fur Takers of America, stated that the Legislature "made this Indiana Code and you guys right now can put it where it belongs as in the Legislature's hands. On behalf of all the trappers from as far as Evansville to all the way up here, we hope that you take that under consideration."

Excerpt from Hearing Officer Report dated [INSERT DATE]:

...

2. REPORT OF PUBLIC HEARING AND COMMENTS

a) Public Hearing Comments

Two public hearings were conducted as scheduled with the first occurring on April 24, 2008 at McCormick's Creek State Park, 250 McCormick's Creek Park Road, Spencer, Indiana. The second public hearing was held on May 1, 2008 at Mounds State Park, 4306 Mounds Road, Anderson, Indiana. The following are summaries of the verbal comments offered during the public hearing.

McCormick's Creek State Park, April 24, 2008:

Gerald Bass, Warrick County, IN

Explained that he is a Warrick County Councilman interested in knowing whether the DNR or NRC had considered placing a bounty on coyotes if trapping decreased as a result of the adoption of the proposed rule. He further expressed concern that if the State did, at some time in the future, create a bounty on coyotes that the State would not provide funding for the payment of those bounties thereby leaving counties to pay those bounties out of county funds. He observed that population control of coyotes is provided as a free service by the trappers who presently have a market for the sale of the coyotes. If this rule is adopted and the trappers decrease their trapping as a result of having no market for the sale of the coyotes, the financial burden associated with coyote population control will fall onto the taxpayers. He indicated that he is simply looking "down the road."

Jerry Barnett, Warrick County, IN

Discussed the economic benefit of selling live coyotes expressing that this income has helped his family a lot and helped him put his children through college. Additionally, he explained that he works for ranchers in southern Indiana who have problems with coyotes getting their calves and sheep. He receives calls from nearby residents who have lost dogs and cats to coyotes as well. Mr. Barnett stated that he will stop trapping coyotes if the live market is eliminated because the sale of live coyotes pays for the expenses associated with trapping. He reiterated that this live market does have provide for an economic benefit not only for him but for people he traps for. I oppose this law and coyotes in the running pens have a better life than they do in the wild. They're all well cared for, vaccinated, wormed and are fed daily. They are provided hiding places during running. The purchasers of the coyotes takes care of them and doesn't want to lose them, although that will happen once in awhile.

Mr. Barnett followed up with the example that wolves were reintroduced into Yellowstone Park area and now they've opened a hunting season on them because they are killing so many cattle that the government can't pay the ranchers for them. A coyote must eat to live and will kill.

Richard McIlvane, Bedford, IN

Stated his belief that coyote seasons should not be changed. Believes that landowners should be able to give trappers permission to trap coyotes year around because the coyotes are taking calves and domesticated cats and dogs.

Tim Julien, Indianapolis, IN

Speaking as President of the National Wildlife Control Operator's Association

Opposes the rule as written and are in hoping for some type of compromise. In their opinion the proposed rules turn coyotes into a nuisance waste of animal. He indicated a strong objection to the DNR's reference to the taking of coyotes in season versus out of season because by law Indiana has a year round season on coyotes. Coyotes are presently valuable furbearers and if you remove that value a coyote becomes nothing

but a nuisance animal. Right now coyotes can be controlled by trapping harvests and it needs to stay that way. Mr. Julien indicated that the Indiana Chapter intends to present compromise language.

Mr. Julien also offered comments on his own behalf noting that he is a wildlife damage control operator and he has received 36 call on coyotes in 2 months. As a result of those calls he has had 7 coyote kills. As a damage control operator he does discriminate between nuisance and non-nuisance coyotes. He has observed coyotes sleeping on people's decks and porches and even go through screen door to kill a cat. Through ignorance people have created the problem with these coyotes that become nuisances because they were viewed as "warm and fuzzy." Coyotes habitualize and are intelligent and we've created the problem with the coyotes I have to deal with as a control operator. "This rule has nothing to do with running pens and it aggravates me that DNR has turned this into a propaganda war. This rule has to do with the legal, technical wording of managing and disposing of a furbearer and it needs to be put back on track.." This rule is about wanton waste...this rule requires me to kill it and leave it lay. "That's our objection...that's a disgrace."

Charles Lowe, Perry County, IN

I oppose this strongly. This is ridiculous and is taking away the incentive for anybody to trap these coyotes. If you take the live market incentive away the coyotes are going to be thrown in a ditch, wanton waste, and no one is going to trap them. Somewhere down the road someone will have to do something. Whether by the State or a county the public is going to paying for something that is being provided free or nearly free now. I think that surely we can work out a compromise for a viable market for coyotes.

John Goss, Indianapolis, IN

Offered the following comments on behalf of the Indiana Wildlife Federation:

We represent over fifty hunting and fishing groups in Indiana. We do support the proposed rule. We do not believe that live animals should be transported or sold. We recognize that trappers are not happy and expressed interest in continuing discussion but expressed belief that the basic need for the rule is there. Mr. Goss indicated support for continued year around trapping of coyotes.

Chris Lynch, Owen County, IN

President, Deep Roots Animal Sanctuary

We are in full support of the rule.

Anne Sterling, Bloomington, IN

Offered the following comments as the Indiana State Director, The Humane Society of the United States:

Thank you for the opportunity to comment. My name is Anne Sterling and I am the Indiana State Director of the Humane Society of the United States as well as a lifelong resident of Indiana.

The Humane Society of the United States is the nation's largest animal protection organization with more than 164,000 members and constituents in Indiana. On behalf of our more than 160,000 Indiana members I urge the Natural Resources Commission to pass proposed rule #7-749, which would prohibit the live sale of Indiana coyotes for 7 months of the year.

The practice of selling live, Indiana coyotes across state lines to be used as "live bait" in wildlife pens should be banned, year-round. There is ample evidence that this sordid practice not only spreads disease to wildlife in other areas and exacerbates wildlife law enforcement challenges, but it also does nothing to control a perceived overpopulation of coyotes, and is not supported by many hunters or Indiana's neighboring states. Most importantly: this practice is inherently inhumane and should rightly be banned on this fact alone.

As the interstate sting operation in the fall of 2007 revealed, coyotes are trapped and shipped hundreds of miles in cramped cages with no access to food or water or ability to move. When the animals reach their final destination they are release in an unfamiliar fenced enclosure and forced to run for their lives, as packs of hunting dogs are set upon them.

What occurs in these wildlife pens is not hunting, but rather an amalgamation of animal fighting and contest killing. In these pens, dogs are judged on their ability to pursue captive wildlife. Make no mistake – many of these enclosures are not simple dog training facilities, but commercial facilities that only recently have emerged in the 1980s. It is not unusual during one judged event to have two hundred or more dogs released into the pen to pursue the captive wildlife.

Additionally, if, as the live market trappers state, the coyotes are not harmed in the dog running pens, why the consistently high demand for animals to restock the pens? We would ask that the live market trappers explain this inconsistency to both the NRC as well as to the citizens of Indiana, particularly in light of the fact that in many states that allow wildlife pens, the number of fox and coyote pens is declining annually. Even in nearby Missouri, one of the biggest states for commercial wildlife pens and organized judged events, the number of pens decreased by 18 percent from 2005 to 2008. If Indiana's coyotes are in demand by out-of-state wildlife pens and the number of pens are in fact declining, this leads to the logical conclusion that the animals are not, in fact, surviving the dog running pens."

This exposure to repeated, prolonged, and unavoidable pursuit results in chronic physiological stress, and death—even with the presence of escape shelters. In addition to continual pursuit, coyotes kept for penning may be kept in inhumane conditions without access to water or food. Penned coyotes often meet a cruel end when torn apart by dog packs, leading to the constant demand for re-stocking of enclosures with fresh wildlife.

The demand for re-stocking creates a live market for wildlife and this proposed rule is an added tool to supplement law enforcement efforts in other states. Pens are predominantly found in the Southeast. Even though almost every penning state specifically prohibits importing coyotes from Indiana, our coyotes are still exported to wildlife pens across the Southeast.

One Arkansas Game and Fish Commission biologist describes the stocking enforcement challenge when stating, "...even in states with good pen regulations it is the feeling of the furbearer biologists that illegal sales and importations are still the norm at commercial pens... The commercial operations are making thousands of dollars a weekend and at the end of that weekend everything in there is usually dead." Indiana's loopholes in live coyote sales is only exacerbating an illegal market found in many states, and this proposed rule is an imperative deterrent to illegal activity.

Since the Commission proposed the rule in mid-2007, it has received overwhelming public support. To date, 5 of the state's major newspapers have all editorialized not only in support of this modest measure to close our borders for 7 months of the year, but have called for the NRC to implement a year-round ban on the interstate trafficking of Indiana's wildlife.

Per Indiana Code 14-22-1-1, the wildlife of Indiana belong to all the people of Indiana, not just to the few who would profit from their sale and ultimate torture. Indiana wildlife has no place in this sordid industry and the practice of selling Indiana's wildlife out of state to be used in cruel wildlife pens needs to be stopped year-round. The Humane Society of the United States appreciates the NRC's focus on this important matter

Jan Turner, Monroe County, IN

Indicated that she is a volunteer at Wildcare, Inc. and reported her support for the proposed rule. Also stated that she has submitted written comments.

Natalie McKamey, Bloomington, IN

I am an animal rehabilitator for Wildcare, Inc. and I fully support the rule.

Dawn Hewitt, Bloomington, IN

Speaking on her own behalf as well as Rebecca Robbins and Carole. We all support the proposed rule changes and believe that they should be stronger. Desired for the NRC to consider modifying the proposal to implement a year round ban on the sale of live coyotes. Indicated her belief that many coyotes are identified as nuisance animals when, in fact, they are not. Told a story of a person watching coyotes in the

fields over a two week period only to have them disappear. When the coyotes were gone she became concerned that they had been trapped and sold knowing that there were no standards for their care while in captivity. Even though these coyotes were in a subdivision they were not being nuisances as they remained in the fields. Wildlife officials on Ohio and Kentucky have requested that Indiana ban the sale of coyotes across state lines to stop the spread of disease. Ms. Hewitt noted that there is no inspection of the animals sold in order to ascertain whether the animals are carrying diseases. Sales of live wildlife should simply not be allowed. If there is going to be the ability to possess these animals there needs to be regulation to insure that they are handled properly and humanely. These are thinking, feeling animals... they are not always nuisances. She recognized that there are coyotes that take livestock and expressed that she is not advocating a ban on the elimination of these coyotes.

Ms. Hewitt followed up in order to clarify that she is not opposed to hunting or trapping but she believes that the sale of live coyotes should be banned.

Angela Bridgewater, Terre Haute, IN

I support the rule and I believe that selling live animals to dog running facilities is cruel.

Tim Rose, Columbus, IN

Offered the following comment as President of Chapter 7B, Fur Takers of America:

Chapter 7B represents over 200 + members and FTA will be sending their comments separately in writing. Indicated concerns with the cost benefit analysis prepared in association with the rule proposal. The DNR discusses IC 14-22-6-12 as a statutory authorization for landowners to eliminate nuisance coyotes throughout the year. According to Mr. Rose IC 14-22-6-12 does not mention nuisance coyotes and expresses his position that the elimination of nuisance coyotes was not the purpose of the statutory provision cited by the DNR. Mr. Rose noted that coyotes are furbearers and furbearers legally taken can be sold. Because there is not a closed season and Indiana Code authorizes the harvesting of coyotes year round, it is his opinion that coyotes taken any time of year may be sold live.

With respect to “fair chase” in running pens Mr. Rose expressed that they have been trying to stay out of this issue. But since it’s been raised, he wished to know what the DNR means by “fair chase” indicating his presumption that the DNR does not believe that dogs chasing coyotes is fair. Mr. Rose observed the similarity between coyote running in pens and fishing in stocked ponds, and put and take hunts, rabbit hunts in enclosures and questioned the fairness of the latter three activities as well.

Coyotes are protected by Indiana law and are the property of the people of Indiana. Mr. Rose claims that they are not protected as IC 14-22-6-12 allows them to be harvested year round. With respect to the DNR’s position that the sale of live coyotes “promotes the commercialization” of coyotes, Mr. Rose observes that furbearers have always been harvested as a commercial enterprise.

Concern about the spread of disease is an issue but this issue pertains to unvaccinated dogs the same as to coyotes. The numbers of unvaccinated domestic dogs that travel across state lines far exceed those of coyotes transported across state lines. Mr. Rose stated that Chapter 7B is in support of regulations that would require the vaccination of coyotes before sale and offered their assistance in addressing this issue.

With respect to coyotes kept under a game breeders license, the DNR indicates that the animals are kept in humane conditions and records are required that would track the animal’s disposition. Mr. Rose indicated that Chapter 7B is proposing this type of regulation with respect to the possession and live sale of coyotes. We’re “all for that.”

The DNR’s cost benefit analysis indicates that there is no economic benefit to the trappers or the DNR as a result of the proposed rule. There are trappers who believe differently, indicated that some had indicated previously that they had helped put their children through college with income from the live sale of coyotes.

DNR offers that a landowner can hire the services of a licensed nuisance animal control operator to control the coyotes. According to Mr. Rose this is an expensive endeavor for farmers causing an unnecessary financial burden.

Mr. Rose observed that coyotes are not all “warm and fuzzy” while showing a photo of a dog attacked by a coyote.

Additionally, Mr. Rose submitted a petition signed by 280 – 300 individuals. The Petition states: “We, the undersigned of the Petition, oppose proposed rule Section 2, 312 IAC 9-3-12, set forth on this day July 27, 2007.” That petition is not being set forth here in its entirety but is maintained in the official record.

Ron Elliott, LaPorte, IN

Offered the following comments as President, Indiana State Trappers Association:

The ISTA represents over 475 members who all oppose the proposed rule change. If the rule is adopted he believes that the population of coyotes will increase as will the number of coyotes with mange, rabies and other diseases. “It’s ironic to me that organizations can stand up here and try to tell us what to do with this that kill thousands of dogs and cats every year.”

Dave Voland, Brown County, IN

I am opposed to this rule proposal. If we can get a monetary value that would offset expenses associated with the trapping that aids the landowners and farmers. He explained that there was a recent report in the Brown County newspaper of a coyote trying to get into a woman’s home chasing a cat through a dog door, which caused the need for Sheriff’s Department involvement. Also, a neighbor has recently lost 6 cats. In his experience coyotes at running pens are not kept in tiny pens and torturing them, the coyotes in the running pens are well cared for, vaccinated, wormed and “a lot of them are released back into the wild.” The pens are often 100’s of acres in size.

Mr. Voland followed up that nothing that occurs in the running pens he is familiar with is anything like dog fighting. If it were “we’d all be against it.”

Robert S. Foyut, Bloomington, IN

Read the following written comments:

I am a state licensed wildlife rehabilitator with over 6 years of professional experience, and as such, I have first-hand experience dealing with wildlife, wildlife management issues, and wildlife diseases.

Allowing the interstate commerce in coyotes and other live wildlife is just plain bad wildlife management because of the very real threat of spreading diseases like rabies, parvo, canine distemper, mange and other disease to both wild animals and domestic animals in other states. It is such bad wildlife management, that I am stunned that the Indiana DNR has not shut it down as soon as it was discovered.

This is one of the many reasons why I support a total year-round ban on the interstate commerce of ALL live wildlife including coyotes.

Another reason is I believe animal baiting, which is what the wildlife is sold for is immoral and a black mark on our society.

Trappers, however, are motivated by profit, and so, can offer little more than weak arguments for allowing them to continue on.

Some trappers argue that they help control disease by maintaining a healthy population, but this is intentional misinformation—snares and traps do not distinguish between healthy and diseased wildlife. And several scientific studies have found that when coyotes are heavily hunted, their reproduction increases and can actually drive up populations.

In Indiana, there are some people that carry an illogical and deep-seated hatred for coyotes believing that ALL coyotes are a nuisance and should be wiped out. These attitudes are based on ignorance and old wives-tales and driven by unfounded fear. They stem from an old-world, culturally propagated hatred and fear of wolves. This has caused wolves to be wiped out in Indiana as well as most of America and the Old-World. With their similarity to wolves, coyotes have inherited the same attitudes. This falsely inherited prejudice coupled with misinformation and old wives-tales creates an attitude that is grossly out of proportion with reality. The reality is that coyotes are not the great threat to Indiana's farmers that the trappers would have us believe because coyotes are generally NOT large animal predators. In fact, rodents and other small mammals make up the MAJORITY of the coyote diet. Coyotes are beneficial to a healthy eco-system, helping to keep in check many small prey species like mice that could otherwise overrun an area especially farmland.

Coyotes also eat carrion when available, which helps clear the woods of dead animal carcasses. This unfortunately, has often led people to misidentify the scavenging of DEAD livestock as coyote kills, which are in fact, quite rare, especially in Indiana. Similarly, coyotes are also often mistakenly blamed for the damage done by packs of domestic dogs.

The fact is that coyotes are really no great threat to Indiana's farmers, and the benefits of rodent control provided by coyotes far outweighs the rare bit of damage the odd rogue coyote may cause.

But this is not really about nuisance animals. Trappers are out to make a quick buck and driven by greed, they take far more than just nuisance animals.

Some trappers say that the animals they sell are well cared for, but I find it hard to believe that someone who would turn an animal loose in an enclosure to be torn apart by a pack of dogs would concern themselves with taking proper care of the animal.

Some say that they need to sell live coyotes to make a living--\$12 a pelt just doesn't cut it. Drug dealers and child-pornographers will tell you the same thing- they need to make a living, but calling it your job does not make it right.

Trapping itself, is a barbaric practice, but some trappers justify it by calling it a "time honored tradition." But calling this a time-honored tradition doesn't make it right either. Slavery was a time-honored tradition too, but that didn't make it right, and today only the sickest fringe racists think that it is.

The barbaric practice of animal baiting is just another form of animal fighting where dogs are pitted against another animal often other canids, or members of the dog family. So in effect, it is a TYPE of dog fighting, and our government, as well as the governments of 49 other states, the District of Columbia, Puerto Rico, and the U.S. Virgin Islands have been very clear on this and have made dog fighting a FELONY offence. This is because mainstream American society considers it is barbaric and uncivilized. Allowing animal baiting and its supporting activities to continue is inconsistent with current law, and it is a gross embarrassment to our great state that we are even discussing this issue.

Animal baiting is a perverse abomination that has no honor and has no place in the civilized world and certainly no place in Indiana in the 21st century.

It is time we moved Indiana out of the 19th century and into the 21st.

It is time that the backwards mindsets, old wives-tales, gross misinformation, and antiquated prejudices of the few are cast aside and the civilized attitudes, logic, science and humanity of the many guide us and move us forward.

It is time we enacted rules and legislation to protect all of our state wildlife from callous profiteers willing to sully the reputation of this great state and our great nation all for a couple of bucks.

Please ban the sale of ALL Indiana's wildlife year-round.

Thank you and God Bless America.

Mr. Foyut followed up by clarifying that he does not believe that coyotes are “warm and fuzzy” and agrees that they do kill. He is not against the killing of nuisance coyotes but he reiterated that he is opposed to the interstate transport of live coyotes.

Jerry Schilling, New Harmony, IN

Observed that the difference between the people who oppose the proposal and those who support it is that the trappers have first hand experience with what these animals do. He has seen sheep with faces torn completely off breathing out of their windpipes. Seen coyotes chase dogs and cats into people yards. His brother has a 10 acre pen that he trains puppies in. He has had the same three coyotes in the pen for the past three years. “If you think a dog is going to grab a coyote...you better think again.” I’ve run fox and coyote hounds, coon hounds...50 years experience.

Mounds State Park, May 1, 2008:

Darlene Peabody, Anderson, IN

I’m against the cruelty to the animals.

Doyle Flory, Tippecanoe, IN

Offered a video* of the 1993 Oklahoma Governor’s Cup, which offers a view of a legitimate use of live coyotes and a legal dog training facility. The video shows running of the coyotes. Mr. Flory indicated his awareness that another video of an illegal facility had been shown and believed that the NRC should see a legal facility. Mr. Flory inquired as to what will be done to address exploding coyote populations that he proposed will result following a decline in trapping if the proposed rule is adopted. Specifically, he inquired whether the Department of Natural Resources had considered placing any type of bounty on trapped coyotes.

* The hearing officer invited Mr. Flory and Tim Rose to provide multiple copies of the DVD for forwarding to each individual NRC member. As of the date of this report the additional copies have not been received; however, the DVD was made available for viewing by the NRC members before the commencement of the July 2008 NRC meeting.

Jack Corpuz, Indianapolis, IN

Avid bird hunter and wants to see trappers continue traditional trapping but expressed his opposition to the live capture of coyotes for the purpose of using them in running pens. Mr. Corpuz expressed his support for the proposed amendment, which does not entirely ban the live sale of coyotes but does ban the live sale of coyotes taken outside of the trapping season.

Doug Allman, Indianapolis, IN

Offered Comments on behalf of the Indiana Wildlife Federation:

Stated that the IWF is submitting a petition urging the approval of the proposed rule. We are here to support the DNR’s proposed rule and to support the public trust doctrine and the concept that we do not possess live wildlife. We’ve seen happen in several other species of animal where there is conflict, be it turtles, snakes, raccoons or deer, and a whole host of issues associated with the possession of live wildlife for commercial purposes or with possession as pets and we think that should be eliminated.

Tim Rose, Columbus, IN

I’m opposed to the DNR’s proposed rule change. I think there is a lot of emotion been brought into this issue regarding live coyotes and where they go and what is done with them but that has very little, if anything, to do with the proposed rule change. Mr. Rose asked the NRC to look at the rule change itself and ignore the propaganda that has been brought into this.

Robert Wendt, Greenfield, IN

Stated that he has offered written comments twice but indicated that he feels strongly enough about this that he also wanted to voice his opinion in person as the public hearing as well. My family has made a significant income from this for approximately twenty-five years and he does not want to see that stop. He urged the NRC and the DNR to consider this based upon science and biology and not emotion indicating that if these issues are decided based upon what someone believes is ethical we open a “can of worms” and get on a “slippery slope” where we next decide that hunting with a bow and arrow isn’t ethical and deer may only be hunted with gun because with bows and arrows more deer are wounded. Or using a fish hook with a barb isn’t ethical because that impairs the ability to release the fish. The point is that we can’t base these decisions on what someone thinks is ethical because we all have different opinions to determine that. I think the bulk of people, if they really knew what happened with these animals, wouldn’t have a problem with it. Particularly when you think about a coyote and how he operates. His whole life is based on killing other animals, that’s how he lives, he doesn’t care whether his prey is in or out of season, whether it’s a nursing mother or not, whether the babies are left to starve, or if it gets the babies whether they’re wounded or whether the lamb or pig whether it’s eaten alive or dead. I just would reiterate...please don’t change our coyote law. It’s worked great and the Indiana Code was passed on this in 1987 with a one year sunset clause. In that one year period there were no complaints and it was renewed with a three year sunset clause and again there were no complaints. All this time DNR has known that live business has been going on, that trapping is a sport is a fallacy, it’s a business and it’s always been a business but if you take away the only viable market for coyotes then there will basically be no coyote harvest and you’ve essentially made coyote trapping illegal by eliminating the market. It would be no different than saying it’s legal to shoot deer but you’re not allowed to eat the deer or use the deer...same difference...no one will hunt deer anymore.

Mark Wernurt, Corydon, IN

I’m not support of the DNR change and I’ve also submitted my comments electronically.

Anne Sterling, Bloomington, IN

I’m in total support of this rule.

Melinda Young, Indianapolis, IN

I support the proposed rule to stop the sale of live coyotes for part of the year in Indiana. Feels that the proposed rule is a step in the right direction but urges a year round ban on the sale of live coyotes. It is an embarrassment to our State to continue to allow this practice.

Richard Dunaway, Anderson, IN

Expressed that he is not opposed to trapping. However, he is against the penning up of any animal for hunting or for the selling of any animal for that purpose or the purpose of being used as bait in a running pen. In his view the use of coyotes in running pens is the equivalent of dog-fighting.

b) Comments Received Outside Public Hearing¹

Danny L. East, Martinsville, IN

I am against the selling of our wildlife [live coyotes] after being trapped.

Mark Wernert, Corydon, IN

I want you to know that I am opposed to having to destroy a coyote within 24 hours after catching them outside of the regular trapping season with land ownership or written permission. I do not understand the reasoning behind this as the trapper could market the coyote via the “live market” and the income from that

¹ Certain comments express the writer’s opposition to the proposed rule based upon the mistaken belief that the rule proposal would authorize the sale of coyotes for use as live bait for dog running facilities. In fact, the intent of this rule proposal is to eliminate the ability to sell live coyotes taken from March 14th through October 16th. Consequently, these comments, which express the writer’s support of efforts to eliminate the ability to sell live coyotes for use in dog running facilities, were viewed by the hearing officer as being in support of the rule amendment proposal.

would allow the land owner to not be charged. Why waste the animal and get nothing for it? Maybe there are some things I'm not aware of concerning this. Could you please explain?

Robert Wendt D.V.M., Greenfield, IN commented in several emails:

I am a live coyote trapper from Hancock County. I'm told this is the place to express my views to the DNR. Please leave things as is with coyotes. Without a year round season and selling them alive there is no feasible market to encourage any harvest. The local buyers refuse to even buy carcass coyotes and finished hides bring in the low teens. I think coyotes should remain legal to trap and sell alive year around as per existing Indiana code.

Wendt again commented:

I am 100% against this uncalled for change. It literally ruins my livelihood.

Wendt again commented:

You have been flamboozled into thinking coyotes used in running facilities are mistreated or even killed. Not so. Please, please, please go send ANY IDNR representative to any normal chasing preserve. I can even suggest one in Michigan or KY where you would be welcome with no notice to see for yourself. I'll not go on except to say please allow us year round open season on coyotes to take dead or alive and sell as best we can as long as the federal animal welfare act is not compromised. Bottom line is hides are near worthless, in fact most buyers will not even buy a carcass coyote as cost to skin and prep exceeds the value. Without our ability to sell alive, harvest will be reduced to a few pot shots by deer hunters and trapping hobbyist. Everyone else will pay big or do without. but how will our other wildlife species pay? Like our near extinct red and grey fox and rabbits?

Wendt again commented:

Please do not allow the DNR to take a protectionist view and direction on coyotes. The state legislature same as removed control of the coyote from the DNR in 1991, passed by both house and senate and signed by the governor. That was done at that time because the DNR refused to co-operate with the agricultural interests, the trappers and the citizens experiencing coyote problems. The ethics of selling coyotes is not an issue at all and no mistreatment occurs. Also the negative financial impact on stopping our only viable market for coyotes is huge in the rural community. DNR has flat out lied saying there are no states allowing import, as a matter of fact 3 of our 4 joining neighbors do, along with many other states. Live coyotes sales are a significant part of my income and have been for over 25 years. The problem I believe is director carter is pushing a protectionist direction in our DNR by siding with the sorts of humane society of the U.S. the "coyote rescue league" and other fringe elements. He needs fired, as does head of Enforcement Crider. To allow protectionists to infiltrate our DNR and rule by emotion rather than science and biology is reason for dismissal. I am forwarding similar to Governor Daniels. The IDNR cannot be allowed to trump Indiana code and reverse it by IAC that is against the law, and will be argued vigorously in courts, the attorney general, and to the legislature.

Eric Kesling, Columbia City, IN

I want to voice my concern for the proposed changes that will affect Indiana live market trapping of coyotes. I do NOT support this proposed change, nor do I support changing the definition of the term "Take". Indiana trappers should be allowed to utilize the coyote as a resource to its full extent. Placing a restriction on the live market will not benefit the coyote or the trapper.

Doyle Flory, Tippecanoe, IN

I am against any changes to the coyote law. We need to control them any way we can. If trappers can't make money doing it we will need a bounty on them.

Trey Goodpaster, Corydon, IN

As a trapper and hunter I would like to let you know that I oppose any regulation change concerning coyotes. I feel coyotes should remain legal to "take" dead or alive, for fur, parts, urine collection, etc. and should be able to sell, trade, collect, year round with no restrictions. Healthy coyote populations by means of hunting and trapping benefit everyone. Please let us continue to help maintain these coyote populations without any more restrictions.

Troy Hill, Westport, IN

As a concerned citizen and trapper in this state I would like to comment on the recent proposed changes in regards to the taking and disposal of coyotes from March 16 to October 14 of each year. Some trappers perform a service to landowners and the public by legally taking coyotes year round. For some, the most economical way to do this is to market the coyote alive. I feel these trappers should be able to continue to legally take coyotes dead or alive and market them in any legal matter they so choose. I personally deal with several sheep and cattle producers in my occupation and it is not uncommon for them to comment about a predation problem due to coyotes. Maintaining a healthy coyote population by trapping benefits everyone. The proposed change will make it infeasible for most trappers to continue to take coyotes year round.

Don Wolf, Evansville IN

I am a coyote trapper and fur buyer in the Southern part of Indiana. I am sending this email to voice my thoughts on the changing of our coyote season and coyote disposal rules. For the most part the coyote of Indiana has very little fur value to it. I buy lg. amts. of coyote each season and know this from experience. As a Coyote trapper and fur buyer, I think that the laws on coyote should be set up so that the trapper may be able to dispose of his coyote in anyway he sees profitable to himself. The season should be left open year around and have no clauses in the law that restricts the sale or movement of any part of a coyote at any time.

Ross M. Frank, Bluffton, IN

I would like to comment on the proposed wording change of the Indiana Administrative Code regarding the taking of coyotes proposed at the Fish and Wildlife Committee meeting in July. In my opinion, changing the wording to require all coyotes taken under the authority of I.C. 14-22-6-12 with written landowner permission to be euthanized and banning the sale, barter or trade of coyote parts will be detrimental to the well being of Indiana wildlife. I strongly oppose the propose wording change and believe that it will eliminate the incentive to control the coyote population and maintain a healthy wildlife balance. Coyotes have been harvested 12 months out of the year for 17 years and I believe doing so should remain legal.

Jamie Cappel Rising Sun, IN; Delmar Morgan, Underwood, IN; Jeff Capps, Wadesville, IN; Matt Bredeweg, Bloomfield, IN

I feel coyotes should REMAIN legal to "take" dead or alive, hide, fur, part, etc. and sell, trade, collect, year round. Maintaining a healthy coyote population, by trapping benefits, everyone. Please don't make it tough on us to "not" want to help control these predators.

Charles Lowe, Rome, IN

I'm emailing to urge the DNR to keep live trapping of coyotes legal for all purposes including live selling. The coyote is a varmint and we need to catch more not less.

Brad Collings, Rosedale, IN

I would like to see taking of coyotes year around and also be able to market them. The state of In. has no employed trappers to help people with depredation. Private trappers who do this work should be compensated for their efforts by being able to sell the animals at no cost to taxpayers.

Steven L. Craig, Cottonwood, AZ

I feel coyotes should REMAIN legal to "take" dead or alive, hide, fur, part, etc. and sell, trade, collect, year round. Maintaining a healthy coyote population by trapping benefits everyone. Right now with pelt prices so low, as to make trapping them almost a waste of my time, I still can sell them alive and at least be able to pay for fuel and expenses as well as helping control the over population of coyotes there in Indiana. I am an out of state trapper that traps in Indiana every year. I travel from Arizona to Indiana each year to trap. I used to live there and still trap for many farmers today that i used to trap for many years ago. Changing this law is a mistake and this will upset many of my farmers.

Jason Bruce, New Albany, IN

I feel coyotes should REMAIN legal to "take" dead or alive all year long. The IDNR needs to quit following the agendas of Joe Bacon, the IDHA and other radical groups that are against opportunity for sportsmen in our state!

Keeton Jones, Piedmont, OK; Sheri L Baity, Covington, PA

I support trappers and their rights- so I adamantly oppose changing the seasons on coyotes or re-defining the "taking" of ANY animal!

Brian Krippner, St. Joseph, MN

As our God given right, I support all trappers, hunters, and fishers. Also, I neither support nor oppose who stand out against my rights, for it is their right to speak freely, as is my right to take wild game to do with as I please within reason of the law. I feel disrespected that they would feel so strongly in their opposition to my decisions that they would cry out and start a cause to deliberately deny me my rights as an American, only because I have yet do attempt to deny them theirs. Trapping is a time tested tradition that is the foundation of our country. Many times trappers would travel areas well before our famous "Pioneers" often acting as guides to men such as Louis and Clark. Trapping is a skill known only to the wisest of outdoors people, an experience if you will, demanding the utmost patience, wisdom, and attention to detail. It would be difficult to find anyone who knows their subject more then a trapper. Long live trapping, long live the outdoors and all who support it!

Jeremy Newberry, Washington, IN

I just wanted to take the time to write you and let you know my stance on the possible change to the trapping regulations in Indiana. I support Indiana trappers and would not like to see the rules change effecting all year long trapping.

Jeremy Bontrager, Kendallville, IN

I support trappers and their rights, and I oppose the proposed change affecting the taking of coyotes all year long. Thank you for allowing me to voice my opinion.

Joseph Frye, Brazil, IN

I support trappers and their rights- so I oppose the proposed change affecting the taking of coyotes all year long.

Eric Whitmore, Twin Falls, ID

I support trappers and their rights- so I adamantly oppose changing the seasons on coyotes or re-defining the "taking" of ANY animal!

Mike Vaccaro, Peoria, IL

I support trappers and their rights! I oppose the proposed change affecting the taking of coyotes all year long. Supporter of Family, Farmers, Military, Gun ownership, Hunting, Fishing and Trapping.

Jason Schmiesing, Portland, IN

I just wanted to let you know I oppose the proposed rule change affecting the taking of coyotes all year long.

Dave Mauer, Greensburg, IN

As a trapper, I oppose the proposed change affecting possession of coyotes all year long.

David G. Payne, Floyds Knobs, IN

In support of the tradition of Coyote hunting/trapping in Indiana, I strongly urge you to please support the rights of my friends, to trap Coyotes year round in Indiana. I live in an area of Southeastern Indiana with a lot of Farmers who raise Cattle and every year, are faced with the loss of many newborn calves to Coyotes. Sometimes, the calves have just been born, still wet, the Mother in the process of cleaning it up and in they rush. In many cases, there will be 4-5 Coyotes at a time, each one grabbing a leg and tearing the defenseless calf into 4 quarters.

Occurrences like this are very hard to take for a small farmer, struggling to make ends meet, by not being able to see that calf to maturity and sell it. It is outdoorsmen like my family and friends that spend a lot of time in the woods with Wildlife, and are witness to the population explosion cycles of the Eastern Coyote and the devastation their numbers can have on other animals, both Wild and Domestic.

It is my sincere hope you understand our position in this matter, and will not support the law change which will affect, year round trapping and possession of the Coyote in Indiana.

Matt Senesac, Freetown, IN

I would like to say that I believe coyotes should remain classified as a varmint and therefore not have a season on what you should be able to do with them if they are trapped out of IDNR trapping season. There needs to remain an extra incentive to want to trap coyotes and keep a balanced population of predators.

I would like to add that if IDNR thinks a season is necessary my opinion is to have a year round season with no guidelines as to what can be done with a coyote year round, but to make a hunting license a requirement to do so instead of just written permission.

Senesac again commented in separate email:

I believe the coyote sale and possession should be allowed 365 days a year and not discarded to rot. If the incentive to take and utilize coyotes is stripped then the population numbers will not be kept in check as they have been. I do not want to see any more rights for sportsmen taken away.

Richard Nations, Clinton, MS

I feel coyotes should remain legal to take dead or alive, hide, fur, part, ect. And sell, trade, collect year round. Maintaining a healthy coyote population by trapping benefits everyone. Please don't make it tough on us to not want to help to control these predators. I am an out of state trapper and I plan on trapping in Indiana in the near future.

* * * * *

Jason R. Bruce, Corydon, IN; Rodney Bruce, Corydon, IN; Ron Bruce, Corydon, IN; Frank Jones, Palmyra, IN; Steven Jones, Palmyra, IN; Dave Sprankle, Jeffersonville, IN; Carly Helm, Jeffersonville, IN; Jim Robinson, New Albany, IN; Mike Smith, Indianapolis, IN; Tara Hurts, New Salisbury, IN; Chad Purlee, Salem, IN; Gary Robertson, Louisville, KY; Tom Behringer, Indianapolis, IN; Jeff Craig, Martinsville, IN; Mike Green, Maukport, IN

My friends and I [Jason Bruce] were just notified of a potential change to the IDNR regulation on coyotes. This legislation would affect our business, hobby and livelihood in various ways. While we may not all have internet access to send these emails, or gas money to travel to meetings, we want our voices to be heard. For that reason we've compiled our thoughts – names and addresses into this email. Please accept this input for each of the sportsmen listed below.

We would like to speak out against your proposal to “redefine” the seasons and definition of taking surrounding coyotes in this state. We believe coyotes should be trapped all year and no restriction should be put on the methods of dispatch or lack thereof. We believe it is imperative that the number of coyotes be kept in check by methods like hunting and trapping. We believe the IDNR should stop this proposal NOW, and get back to SUPPORTING the hunters and trappers of this state- not enforcing further limitations.

* * * * *

Jonathan Stoops, South Whitley, IN

I support trappers and their rights- so I adamantly oppose changing the seasons on coyotes or re-defining the "taking" of ANY animal!

Preston Buntz, OK

Trapping is something that needs to stay in the sporting world. It's very important. Keep it in the sport of hunting.

* * * * *

Darren Chase, West Point, IN; Seth Parker, Lafayette, IN; Kevin Dyer, Lafayette, IN; Mike Green, Maukport, IN; Joe Frye, Brazil, IN; Dennis Voyles, Depauw, IN; Jeremy Botranger, Kendallville, IN; Chris Helm, Louisville, KY; Josh Ward, Fortville, IN; Josiah Windell, Corydon, IN; Josh Rogers, Corydon, IN; Frank Campbell, Ramsey, IN; Matt Purlee, Salem, IN; Mike Gregory, Rushville, IN; Larry Barnickle, Ramsey, IN

As organizers of the largest coyote hunting competition in the Hoosier State, we feel coyotes should REMAIN legal to "take" dead or alive all year long. The IDNR needs to promote the hobbies of hunting and trapping, not further limit those who wish to enjoy the sports. Please stop this proposal, and leave the trapping of coyote open year 'round.

* * * * *

Todd Sellers, Jasonville, IN provided the following two email strings:

ms. kane,

below is a second string of messages exchanged between myself and ms. petercheff of the division of fish and wildlife.

i would like for this string of messages to also be included in the official documentation associated with the coyote trapping regulation aspects of the september 18, 2007 NRC meeting.

respectfully, todd sellers

From: Sellers, Todd A
Sent: Wednesday, August 29, 2007 9:05 AM
To: Petercheff, Linnea
Subject: RE: coyote trapping

dear ms. petercheff,

thank you for your response to my comments from last week. i truly hope you and i can continue productive and pleasant dialog while the coyote euthanasia proposal is being considered.

while i can understand the logic you are utilizing in an effort to explain your position on the proposal, i feel you have neglected to include a very important regulation that pertains to wild animals.

specifically, 312 IAC 9-2-3(c)(1) states that any portion of legally taken furbearers may be sold. there is a robust raccoon meat market and a robust live coyote market available for hoosier trappers. each of these opportunities provide additional marketability to otherwise limited value animals. without these two opportunities, true monetary gain/profit would be impossible due to the fur market conditions and overall costs of production. i cannot grasp the concept of desiring to eliminate legitimate economic gain from any sector of the population. i intend to discuss this matter with lt. governor becky skillman. as you know, one of her major focuses is to increase the viability of the economy of our great state. trappers should certainly be considered in her efforts.

the regulation you cited pertaining to prompt disposal is vague at best. my merriam-webster dictionary defines disposal in several ways, including: 1) arrangement; 2) a getting rid of; 3) management, administration; 4) the transfer of something into new hands; 5) control, command. obviously, you are focusing only on definition #2 while ignoring the possibility for any of the other definitions. only allowing disposal of trapped coyotes through euthanasia and subsequent burial in a sanitary landfill constitutes wanton waste of a potentially valuable resource.

i must state that my understanding of the purpose of the initial law (IC 14-22-6-12) was solely to provide for an increase in the coyote harvest. the law is silent with respect to live market trapping. a person must assume in a situation where the law is silent, that there are no inherent or otherwise implied prohibitions. live market trapping was not developed or initiated subsequent to passage of the law, as mr. crider has stated. quite the contrary, live market trapping was on-going many years prior to passage of the law. in fact, it has been reported to me that mr. crider was well aware of live market trapping prior to passage of the law during his early days as a field enforcement officer.

mr. crider has also stated to me that one major purpose of the euthanasia regulation proposal is to improve the clarity and consistency of the regulations so as to assist the field enforcement agents. the agents i have spoken with do not view the current regulations as problematic. other than with scott johnson, aka MIG, i have heard of no interpretation or clarity issues nor any other issues pertaining to the trapping of coyotes.

there is no problem associated with coyote trapping nor with live market sales of coyotes and the euthanasia proposal should be scrapped.

respectfully, todd sellers

From: Petercheff, Linnea
Sent: Tuesday, August 28, 2007 8:03 AM
To: Sellers, Todd A
Subject: RE: coyote trapping

Dear Mr. Sellers,

I understand that your concerns regarding the taking and selling of coyotes outside the hunting and trapping season. However, the statute in IC 14-22-6-12 allows coyotes to be taken. It says nothing about the sale of those coyotes. The definition of "take" in IC 14-8-2-278 does not include possess or sale (see below). Furthermore, state statute lists taking, possessing and selling as different things (see IC 14-22-2-6 and IC 14-22-6-1).

Several years ago, 312 IAC 9-3-12 (c) was amended to state that coyotes cannot be possessed from April 5 through October 14 except to provide for their prompt disposal. Prior to that time, we were getting a lot of questions about whether or not the hides and other parts of coyotes could be retained from coyotes that were taken outside the hunting and trapping season. The words "prompt disposal" were meant to clarify that coyotes and their parts could not be possessed if taken outside the hunting & trapping season. However, the words "prompt disposal" are being interpreted differently by many, so we are proposing to add wording that specifically says that coyotes taken from March 16 through October 14 must be euthanized within 24 hours and cannot be sold, traded, bartered, or gifted.

The DNR is not proposing to eliminate live-trapping. Coyotes that are taken from October 15 through March 15 can still be live-trapped and sold. The DNR divisions of Fish & Wildlife and Law Enforcement are proposing to clarify what can and cannot be done with a coyote that is taken outside the hunting & trapping season. The state legislature wanted landowners and others who have written permission of the landowner to be able to take coyotes at any time of the year. The intent behind the state law in IC 14-22-6-12 was to allow coyotes to be killed at any time of year because of the problems they create for farmers and other landowners.

The provisions in Indiana Code 14-22-20-2 for the game breeder's license allow a person to trap a coyote live during the season and apply for a game breeder license within 5 days after the close of the season. A person with a game breeder license can sell live coyotes throughout the year in accordance with the laws governing the game breeder license; the coyotes sold under a game

breeder license must be obtained legally (such as live-trapped during the hunting and trapping season).

Coyotes are still a protected wild animal in Indiana and a valuable resource.

I have attached the latest draft of our administrative rule proposals in this rule package.

Please let me know if you have any other questions.

Sincerely,

Linnea Petercheff
Operations Staff Specialist
Division of Fish and Wildlife
402 W. Washington Street, Rm. W273
Indianapolis, IN 46204-2781
TX: (317) 233-6527
FX: (317) 232-8150

C 14-8-2-278

"Take"

Sec. 278. "Take" has the following meaning:

(1) For purposes of IC 14-22, except as provided in subdivision (2):

(A) to kill, shoot, spear, gig, catch, trap, harm, harass, or pursue a wild animal; or

(B) to attempt to engage in such conduct.

(2) For purposes of IC 14-22-34, the meaning set forth in IC 14-22-34-5.

As added by P.L.1-1995, SEC.1.

IC 14-22-6-1

Taking of wild animals governed by laws and rules

Sec. 1. A person may not take, chase, or possess a wild animal, except as provided by:

(1) a statute; or

(2) a rule adopted under IC 4-22-2 to implement this article.

As added by P.L.1-1995, SEC.15.

IC 14-22-6-8

Sale of wild birds or mammals governed by article

Sec. 8. (a) As used in this section, "sell" includes serving as a part of a meal by a restaurant, a hotel, a boardinghouse, or an eating house keeper.

(b) A person may not sell, offer to buy, trade, or offer to trade a wild bird or mammal, or meat from a wild bird or mammal, that:

(1) is live or dead; and

(2) is taken in:

(A) Indiana; or

(B) another state and brought into Indiana;

except as otherwise provided in this article.

(c) Proof that a bird or mammal was served constitutes prima facie evidence that the bird or mammal was served in violation of this article. However, a restaurant, a hotel, a boardinghouse, or an eating house keeper may prepare and serve during open season to:

(1) a guest, patron, or boarder; and

(2) the family of the guest, patron, or boarder;

a bird or mammal legally taken by the guest, patron, or boarder during the open season.

As added by P.L.1-1995, SEC.15.

IC 14-22-6-12

Taking of coyotes

Sec. 12. A person:
 (1) who possesses land; or
 (2) designated in writing by a person who possesses land;
may take coyotes on the land at any time.
As added by P.L.1-1995, SEC.15.

IC 14-22-2-6

Adoption of rules

Sec. 6. (a) The director shall adopt rules under IC 4-22-2 to do the following:
 (1) Establish, open, close, lengthen, suspend, or shorten seasons.
 (2) Establish bag, sex, and size limits.
 (3) Establish limitations on the numbers of hunters and fishermen.
 (4) Establish the methods, means, and time of:
 (A) taking, chasing, transporting, and selling; or
 (B) attempting to take, transport, or sell;
wild animals or exotic mammals, with or without dogs, in Indiana or in a designated part of Indiana.
 (5) Establish other necessary rules to do the following:
 (A) Administer this chapter.
 (B) Properly manage wild animals or exotic mammals in a designated water or land area of Indiana.

.....

From: Sellers, Todd A
Sent: Wednesday, August 22, 2007 1:58 PM
To: Petercheff, Linnea
Subject: RE: coyote trapping

dear ms. petercheff,

thank you for making a contact with me. i will not be in indianapolis on friday because i was informed that i was not welcome at the meeting scheduled with lonnie and tim.

based on my distance to indianapolis, i live southeast of terre haute, i believe any discussions between yourself and me are best conducted via telephone or email. my cellular telephone number is (812) 236-2253.

i believe the law at IC 14-22-6-12 and the rules at 312 IAC 9-3-12(d) allow an individual to utilize a legally taken coyote in whatever manner so desired, based on the silence of the law with respect to euthanasia and based on the language of 312 IAC 9-2-3(c). i believe to interpret any other way is contrary to the original intent of the legislation.

i believe the language at 312 IAC 9-3-12(c)(2) which states, "A coyote must not be possessed from April 5 through October 14 except to provide for its prompt disposal." is vague at best, and allows for the live sale of coyotes or any other use. to require euthanasia and subsequent burying in a sanitary landfill constitutes a waste of a valuable resource contrary to the wanton waste intent of IC 14-22-10-7.

i have herein completely outlined my opinions on this matter and would now like to ask one question of you. what do you believe is the ultimate intent of the euthanasia proposal? i believe rule making is serious business that should not be taken lightly. if a problem with coyote trappers has been identified, i am unaware. i personally believe the proposal is a backdoor effort to initiate the demise of coyote running pens. i can envision no other justification for the proposal.

regardless of the justification, it must be noted that individuals have been pursuing summer live market coyote trapping and sales since passage of IC 14-22-6-12. i have asked several times and have been told that there have been zero violations or citations issued by the division of law enforcement associated with those activities. that despite the fact that the activity is well known, documented, and divulged. in fact, two parke county trappers have had conversations with Lt. hutchins of district 5 headquarters to ensure that he felt their activities were indeed legitimate. he gave his blessing.

i realize there are differing opinions with respect to this matter and that is fine. the justification for my involvement is that i don't want to see the only legitimate money making opportunity for hoosier trappers taken away by a faulty or otherwise erroneous interpretation or "clarification".

i will eagerly await further correspondence from you with respect to my comments and lone question.

respectfully, todd sellers

From: Petercheff, Linnea
Sent: Wednesday, August 22, 2007 10:25 AM
To: Sellers, Todd A
Subject: FW: coyote trapping

Dear Mr. Sellers:

Your e-mail was forwarded to me for a response. Director Carter is already aware of our proposed rule changes and the reasons for them. We also understand that there are some concerns by trappers related to the taking of coyotes outside the hunting and trapping season, and we can discuss those with you.

I can talk to you about this on Friday morning if you would like, or perhaps I can also address your questions via e-mail. The proposal that we have drafted will require (clarify) that coyotes taken outside the regular hunting and trapping season have to be euthanized. Coyotes taken during the hunting and trapping season can still be sold live, and coyotes can still be live-trapped anytime of year using legal methods.

If you are planning on making a trip to Indianapolis on Friday, please let me know what time you would like to meet. I have one other meeting scheduled, but other than that, I can meet with you to discuss this proposal.

Sincerely,

Linnea Petercheff
Operations Staff Specialist
Division of Fish and Wildlife
402 W. Washington Street, Rm. W273
Indianapolis, IN 46204-2781
TX: (317) 233-6527
FX: (317) 232-8150

From: Carter, Robert
Sent: Tuesday, August 21, 2007 8:27 PM
To: Salmon, Glen; Petercheff, Linnea
Subject: FW: coyote trapping

From: Sellers, Todd A
Sent: Monday, August 20, 2007 3:04 PM
To: Carter, Robert
Subject: coyote trapping

director carter,

my name is todd sellers. i work at the division of reclamation field office in jasonville, under bruce stevens.

i would like to meet with you for about 10 minutes this upcoming friday morning to discuss a coyote trapping regulation that may be presented to the NRC at the september meeting. myself and many other trappers believe this proposal would negatively affect our pursuits and opportunities.

thank you for considering this request.

respectfully, todd sellers

ms. kane,

below is a string of messages exchanged between myself and mr. crider, director of DNR's division of law enforcement.

i would like this string of messages to be included in any official documentation associated with the planned september 18, 2007 natural resources commission meeting. specifically, this string is associated with a proposal to alter the regulations associated with coyote trapping at 312 IAC 9-3-12.

i would like to be notified officially of any associated meeting dates, associated hearings, deadlines, etc.

respectfully, todd sellers

From: Sellers, Todd A
Sent: Thursday, August 23, 2007 10:35 AM
To: Crider, Michael
Subject: RE: coyote trapping

dear mr. crider,

i must go back on my word and respond one more time. i hope you understand.

you stated, "This is not a harvest season." i believe any taking, which is allowed and defined by the law and rules, is a renewable and sustainable harvest. perhaps we have a semantics issue. you stated, "As I have said numerous times this has created a situation that is problematic for the agency." how has live market trapping been problematic for the agency?

you stated, "Keeping coyotes alive serves the trappers interest...." i agree wholeheartedly although i must add that other individuals' interests are also being served. you mentioned farmers, for example. there is no other real monetary rationale for folks to trap than the live market. many trappers believe they can make money on the \$8 average raccoons or \$4 average muskrats, or ,

but those are folks that don't understand production costs and basics of business management. removal of the live market incentive will undermine the intention of the original legislation - that being to increase the coyote harvest. there is a viable market that exists for a resource and i cannot get my mind around the rationale of wishing to destroy that.

you stated, "They are a furbearer by definition however their fur is worth nothing during this portion of the year." the fur is worth little during any portion of the year, certainly not enough to exceed production costs.

you stated, "My advise to those of you who want to continue this is come up with a good reason for the practice to continue." a person could just as easily state that there is no good reason to pursue any outdoor pursuit, including hunting, fishing, trapping, hiking, bird watching, gardening, ad infinitum. i have provided good reasons for the practice to continue, as have you. #1, i like to trap and have an opportunity to trap. #2, coyote population control. #3, dogs are trained. #4 urine collection. #5, money is made and brought into our great state (lt. governor becky skillman would approve). i'm certain that many more could be listed but i'll stop there.

you have an expressed disdain for running pens, and i respect your opinion. since there have been no expressed problems associated specifically with live market coyote trapping, a person has to believe the aforementioned disdain is the drive behind the euthanasia proposal. i believe that if this proposal passes, there will be an effort at some not too distant future time to expand the regulation to include live market sales of animals captured between october 15 and march 15 of the following year.

i have an expressed favor for personal freedom and maximum utilization of our God given natural resources and i hope you respect that.

for the record, i believe that those wishing to outlaw the practice should have to come up with and provide a good reason for the practice not to continue.

respectfully, todd sellers

From: Crider, Michael
Sent: Thursday, August 23, 2007 9:57 AM
To: Sellers, Todd A
Subject: RE: coyote trapping

Todd,

That may be part of the problem. This is not a harvest season. As such the normal statutes regarding wanton waste do not apply. This is an opportunity for additional population control. When legislature created this opportunity for landowners or their designee to "take" coyote year round it was assumed that the taking would be killing them. Several legislators had a particular disdain for coyotes and others had heard from farmers in their respective areas that extra efforts of population control were needed as the regular taking season was not sufficient to control their numbers.

It was due to the ambiguity of the law that a loophole was created. At that particular time no one had heard of a desire to keep coyotes alive or at least it wasn't a common practice. When trappers realized that there might be an opportunity to capitalize on the loophole they began to ask their local officer who rightly told them that there were currently no real restrictions against that activity. That was because there was no way to prosecute such a loosely written law.

As I have said numerous times this has created a situation that is problematic for the agency. As we do in other areas of regulation (including yours) we from time must adjust to ensure that

regulations are consistent with the agency mission. As you know we get intense pressure from legislators to reduce various populations to tolerable levels. Keeping coyotes alive serves the trappers interest and they are expressing their opinions. Rightly so.

That is the process and the agency must balance those opinions with the big picture. They are a furbearer by definition however their fur is worth nothing during this portion of the year. This system is no different than permits issued to take other species out of season except that there are not individual permits required. Legislature took that requirement away as they have threatened to do with deer and other species in the past. I don't think most sportsmen realize the balancing act that the agency has to do. Trappers want one thing, everyone else wants something else. My advise to those of you who want to continue this is come up with a good reason for the practice to continue.

I too have enjoyed the exchange as I like to know what folks are thinking. I have several meetings today but will respond when I can if you have further.

Mike

From: Sellers, Todd A
Sent: Thursday, August 23, 2007 9:04 AM
To: Crider, Michael
Subject: RE: coyote trapping

dear mr. crider,

i may be wrong but i feel you are tiring of these exchanges. i promise this will be my last. i have enjoyed the exchanges and feel they have been nothing but productive in the transfer of information and interpretations. thank you for your time.

i felt obligated to respond to some of your last comments.

my knowledge sources for coyote sales are to my knowledge 100% legal and legitimate. the individuals have appropriately vaccinated their coyotes and have possessed the appropriate documentation and licenses required for sales. the source for hearing of illegal transport to other states under the cover of darkness was CO scott johnson, aka MIG, who posts on a couple internet sites. i feel my sources are legitimate based on the period of time well in excess of a decade during which they have openly pursued their ventures without citation by DNR law enforcement representatives.

you make my point with respect to pens and coyote usage: i understand the pens are constructed to confine the coyotes so hounds can chase them in a controlled environment. the point is that such a pen would be unmistakeable and unable to be camouflaged from viewers. if such a pen is present in a state that does not allow coyote importation, it would be easy to ensure that illegally imported coyotes are not utilized through inspections, tagging of animals, records of legal in-state purchases, etc. just because there are some who ignore laws for the promise of monetary gain does not justify removing all other opportunities from law abiding citizens. it's the whole, "guns don't kill people, people kill people" concept that the NRA has appropriately utilized with grand success.

i feel obligated to reiterate the wanton waste situation that the euthanasia proposal will cause.

i've never stated anything about nuisance with respect to the taking of coyotes. the laws and regulations we are discussing pertain to consumptive takings only. there is a completely different set of regulations pertaining to nuisance animals, as you are certainly well aware. i don't believe there is any justification nor do i believe it is in any way correct to state that any and all animals

taken from the wild are by definition a nuisance. the natural extrapolation of that line of thinking is that a covey of quail is a nuisance to society because roger stonebraker's beautiful english setters pointed the covey and roger shot a couple.

and lastly, i'll interpret from your response that you don't like my 180 degree opposing effort toward regulation "clarification" and that the ultimate end goal of the proposal is to eliminate the coyote running pens, urine collection facilities, etc. there are many more than a "few" trappers who support my line of thinking. more accurately, there are only a "few" trappers who support the euthansia proposal. this is obvious from a recent petition of trappers. with the referenced petition, trappers had the opportunity to express support or disdain for the proposal. i am certain the petition numbers will be presented during tomorrow's scheduled meeting.

respectfully, todd sellers

From: Crider, Michael
Sent: Thursday, August 23, 2007 8:28 AM
To: Sellers, Todd A
Subject: RE: coyote trapping

Todd,

It sounds like your source knew quite a bit about the illegal transport of coyotes to other states. The scenario you gave is exactly what is happening. One or two shipments a year get intercepted and they almost always are traced back to central Indiana. We work with the LE from those states to try to address the problem but the profit margin makes it worth the risk to the runners.

I admit that I find the concept of running pens distasteful. I've killed more than my share of game during the 43 years I've hunted but I've been around long enough to realize that the pens are not large as you say you have no problem with, but rather small in order for the participant to see the "action" and get video. I've sat on the tailgate with fox hunters and listened to their dogs run. Most of the time you were lucky to find them again in the same night let alone see them or the fox during the chase. I can't envision anyone fast enough to stay up with the pack in open fields and capture video. It just doesn't happen.

For me the big issue though is the vagueness of the regulation. We have reached the tipping point for several species in Indiana where the reproductive capacity of the animal is greater than the consumption or even the ability for all trappers or hunters who are interested can harvest. We are considering adding more opportunities outside of the regular seasons for other species and I want this clarified so we don't have problems in another area.

From my perspective your alternative is not acceptable since I find no reason to keep alive an animal that is being taken from the wild because it is by definition a nuisance and there is no area or situation where having a few more is desirable. I appreciate your position and I believe it is shared by a few others so we'll see what the outcome is.

From: Sellers, Todd A
Sent: Thursday, August 23, 2007 7:26 AM
To: Crider, Michael
Subject: RE: coyote trapping

dear mr. crider,

although i do not currently know you and believe we have never met, i always enjoy meeting fellow DNR employees. i have enjoyed chatting with law enforcement folks. in fact, i had a two

week opportunity during my college years to ride along with officers kim suitors, kent hutchins, and jim sprinkle. those were enjoyable days.

i have no doubt you attack problems head on - most in the law enforcement community do or they don't last very long in that profession. your elevated rank speaks to your abilities.

to answer your last question, i do not believe any coyotes are being sold as pets. it is my understanding that nearly all are sold to "running pens" with a few being sold for urine collection operations. i have never personally been to a running pen as i am not a houndsman. i prefer dogs that don't bark but i respect the right of trailing dog owners to pursue their chosen activity.

i have heard of illegal coyote transportation but i can't understand how coyotes are being repeatedly sold into states that don't allow legal importation. it seems to me that such illegal transport and the associated purchases would have to involve a fenced enclosure of some sort. while i suppose an enclosed trailer load of coyotes could be concealed during a nighttime endeavor, a fenced enclosure would certainly be obvious to all observers.

if the demise of running pens or cooperation with other states are the ultimate objectives of the department, then i believe those issues should be addressed directly. that would be an up front way of dealing with those matters rather than removing 100% of the opportunities the current laws and regulations provide to hoosier trappers. requiring euthanasia would remove the potential for urine collection activities and any other activity. it is my belief that the proposal to require euthanasia and the subsequent total lack of use would constitute wanton waste of a potentially valuable resource.

so back to my original question in the message to linnae, is this proposal a way to eliminate running pens or is the only objective an effort towards real or perceived clarification? and also, would my alternative rule proposal meet with your blessing? (see the august 22, 2007 3:24pm message)

for the record, if a hound or pack of hounds in a pen (defined by me as a sizeable enclosure that provides legitimate escape opportunities) would corner and subsequently kill a coyote previously obtained from a live market summer trapper, i have absolutely no problem with that.

respectfully, todd sellers

From: Crider, Michael
Sent: Wednesday, August 22, 2007 4:09 PM
To: Sellers, Todd A
Subject: RE: coyote trapping

Agreed. The point is that the states mentioned do have laws against importation and they are being circumvented. The vagueness of our laws is creating a steady supply for those who wish to do so.

Anyone who knows me knows that I have no problem attacking an issue head on. Again I would like for someone to tell me what a legitimate use for a live coyote is when we have population control issues that caused this out of season problem in the first place. Do you believe that most coyotes sold live are becoming pets? What is driving the live market?

From: Sellers, Todd A
Sent: Wednesday, August 22, 2007 3:56 PM
To: Crider, Michael
Subject: RE: coyote trapping

dear mr. crider,

i certainly can understand your position. i too work as an enforcement agent, although for the division of reclamation, and have often had to deal with controversial and somewhat unclear issues.

i have no doubt that other states don't want our coyotes. nevertheless, until the other state legislatures make importation illegal or our state legislature makes export illegal, i feel the resource should be exploited to its fullest extent.

i hope that problems, real or perceived, are attacked head on and that an around about means to accomplish a goal is not utilized. that's how i perceive the coyote euthanasia proposal.

as far as legitimate use for a live coyote goes, anything that does not cause inhumane (an albeit vague term) treatment, or undue prolonging of death i would deem legitimate.

death is at times not pretty. that should not prevent the use of a resource.

ts

From: Crider, Michael
Sent: Wednesday, August 22, 2007 3:47 PM
To: Sellers, Todd A
Subject: RE: coyote trapping

Sir,

This rule is currently in conflict with other rules administered by the department due to it's lack of clarity. You have to understand that as the Chief Law Enforcement person for the agency I would like for the rules to be as clear as they can possibly be. That has not always been the case and where there is room for "interpretation" it is my officers who get caught in the controversy. I understand that judges and other officials may interpret the rules differently than we do however I feel that we owe the sportsmen and women clarity.

The concerns you list are just a couple. Many of the live coyotes are sold and subsequently imported into states which do not want them nor would they permit the importation and release of this species. They have their own population control and enforcement issues. We try to work with those states to help with enforcement of those violations however everyone knows there aren't enough of us to be everywhere and the animals are moving undetected in most cases. The vagueness of our laws contributes to that issue.

I am curious what you consider a legitimate use for a live coyote to be?

From: Sellers, Todd A
Sent: Wednesday, August 22, 2007 3:24 PM
To: Crider, Michael
Subject: RE: coyote trapping

dear mr. crider,

i appreciate your response.

i am intrigued by your comment that you are of the opinion that the rule is in need of clarification.

do you believe that the rule could be alternatively clarified by stating something to the effect that coyotes trapped from march 16 to october 14 do not need to be euthanized and may be sold alive to legal purchasers.

i am not trying to be argumentative, merely attempting to decipher the intent of the rule proposal and the agency's mission.

i have heard there is a concern about transportation of coyotes due to disease, parasites, etc. i believe those concerns could be addressed by requiring more stringent vaccinations as opposed to eliminating the live sales altogether. that would further legitimize the only true money making opportunity available to hoosier trappers based on the current state of the fur market, fuel prices, etc.

thanks again for the current and any future positive and productive exchanges.

respectfully, todd sellers

From: Crider, Michael
Sent: Wednesday, August 22, 2007 3:14 PM
To: Sellers, Todd A
Subject: RE: coyote trapping

Sir,

I am curiously awaiting the meeting Friday to see where the organizations are coming from. As you are aware there are several factors which influence those who use our resources and the manner in which they use them. We will be conscious of those factors and the various positions as this rule moves through the process.

From my position, and it is just one position, these rules have been in need of clarification for some time now. As you correctly observe in your comments the current rule is vague. Our goal continues to be to have rules which are clear and concise while also being consistent with the agencies mission. This rule is no exception.

I have noted your position however to have it officially recorded make sure that you forward it to the hearing officer for the rule proposal.

Mike

From: Sellers, Todd A
Sent: Wednesday, August 22, 2007 2:41 PM
To: Crider, Michael
Subject: FW: coyote trapping

dear mr. crider,

i have been involved in some recent discussions pertaining to coyote trapping and rule proposals.

i believe you are scheduled to be in attendance at a meeting with tim rose, lonnie phillips, and at least two other DNR representatives this friday at 11AM.

below are some comments i sent to ms. petercheff this afternoon.

i would appreciate hearing comments, questions, or concerns you might have with respect to the message included below.

respectfully, todd sellers

From: Sellers, Todd A
Sent: Wednesday, August 22, 2007 1:58 PM
To: Petercheff, Linnea
Subject: RE: coyote trapping

dear ms. petercheff,

thank you for making a contact with me. i will not be in indianapolis on friday because i was informed that i was not welcome at the meeting scheduled with lonnie and tim.

based on my distance to indianapolis, i live southeast of terre haute, i believe any discussions between yourself and me are best conducted via telephone or email. my cellular telephone number is (812) 236-2253.

i believe the law at IC 14-22-6-12 and the rules at 312 IAC 9-3-12(d) allow an individual to utilize a legally taken coyote in whatever manner so desired, based on the silence of the law with respect to euthanasia and based on the language of 312 IAC 9-2-3(c). i believe to interpret any other way is contrary to the original intent of the legislation.

i believe the language at 312 IAC 9-3-12(c)(2) which states, "A coyote must not be possessed from April 5 through October 14 except to provide for its prompt disposal." is vague at best, and allows for the live sale of coyotes or any other use. to require euthanasia and subsequent burying in a sanitary landfill constitutes a waste of a valuable resource contrary to the wanton waste intent of IC 14-22-10-7.

i have herein completely outlined my opinions on this matter and would now like to ask one question of you. what do you believe is the ultimate intent of the euthanasia proposal? i believe rule making is serious business that should not be taken lightly. if a problem with coyote trappers has been identified, i am unaware. i personally believe the proposal is a backdoor effort to initiate the demise of coyote running pens. i can envision no other justification for the proposal.

regardless of the justification, it must be noted that individuals have been pursuing summer live market coyote trapping and sales since passage of IC 14-22-6-12. i have asked several times and have been told that there have been zero violations or citations issued by the division of law enforcement associated with those activities. that despite the fact that the activity is well known, documented, and divulged. in fact, two parke county trappers have had conversations with Lt. hutchins of district 5 headquarters to ensure that he felt their activities were indeed legitimate. he gave his blessing.

i realize there are differing opinions with respect to this matter and that is fine. the justification for my involvement is that i don't want to see the only legitimate money making opportunity for hoosier trappers taken away by a faulty or otherwise erroneous interpretation or "clarification".

i will eagerly await further correspondence from you with respect to my comments and lone question.

respectfully, todd sellers

From: Petercheff, Linnea
Sent: Wednesday, August 22, 2007 10:25 AM
To: Sellers, Todd A
Subject: FW: coyote trapping

Dear Mr. Sellers:

Your e-mail was forwarded to me for a response. Director Carter is already aware of our proposed rule changes and the reasons for them. We also understand that there are some concerns by trappers related to the taking of coyotes outside the hunting and trapping season, and we can discuss those with you.

I can talk to you about this on Friday morning if you would like, or perhaps I can also address your questions via e-mail. The proposal that we have drafted will require (clarify) that coyotes taken outside the regular hunting and trapping season have to be euthanized. Coyotes taken during the hunting and trapping season can still be sold live, and coyotes can still be live-trapped anytime of year using legal methods.

If you are planning on making a trip to Indianapolis on Friday, please let me know what time you would like to meet. I have one other meeting scheduled, but other than that, I can meet with you to discuss this proposal.

Sincerely,

Linnea Petercheff
Operations Staff Specialist
Division of Fish and Wildlife
402 W. Washington Street, Rm. W273
Indianapolis, IN 46204-2781
TX: (317) 233-6527
FX: (317) 232-8150

Muriel Harris, West Lafayette, IN

I am so pleased to hear that NRC in Indiana is working to stop the horrific practice of trappers catching and selling live animals to be used for bait and training. The country was appalled when Michael Vick's program of dog fights was uncovered, and we should be even more appalled by these trappers who would legally or illegally trap animals for such horrendous purposes. Please...keep up the good work!

Terri Phillips, Valparaiso, IN

I am against any bill that would allow the selling of coyotes to be used as live bait for training of dogs in Indiana. Come on, who wants to see or know about any poor creature being ripped apart alive by dogs. Please support a ban on using live animals including coyotes as bait.

Jamie Michelle Sybesma, Fishers, IN

Please add me to the email petition against live bait: Please support the DNR in their new rule to stop the selling of wildlife for dog training.

Walfredo de Freitas, Indianapolis, IN

We support for the new rule the DNR has proposed to try to stop the use of IN wildlife for the training of dogs that tear them apart. (especially coyotes).

Carol Hatfield, Indianapolis, IN

I would like to register my opinion on the Live Bait Dog Training issue. I support the new rule the DNR has proposed to stop the selling of live trapped coyotes for this blood sport. This is a disgusting practice and must not be allowed to continue. No live animals should endure this bloody sport.

Elissa Sweeney, Cincinnati, OH

I'm in favor of the new rule IDNR in IN of selling coyotes for live dog bait. How ghastly for the coyote for the innocent to be trapped and tortured.

Janice Koler-Matznick, Central Point, OR

M.S., C.P.D.T. The Dog Advisor Behavior Services

Kandu Rhodesian Ridgebacks

The New Guinea Singing Dog Society

IUCN Canid Specialist Group (member)

As a biologist specializing in canid behavior, I was horrified to learn that live coyotes are sold to people as "training tools" for hunting dogs, which are allowed to kill the often helpless coyotes. This barbaric practice is not a necessary part of training dogs to hunt coyotes, which can be done with scent drags and coyote hides. The best trainer of all is another hound that is eager on the trail as it will transfer its enthusiasm to the hound in training. Please stop this cruelty.

Daniel & Barbara Lawhorn, Crawfordsville, IN

We are writing to express our opinion regarding the capture and use of coyotes for live baiting. This practice is barbaric, cruel and inhumane. We agree with the 10/18/07 Indianapolis Star article which stated, "There is no sportsmanship involved in setting packs of hounds upon disoriented, terrified and exhausted 'bait' animals that are penned..." We do not support this type of activity in any manner, including the sale of coyotes to out-of-state buyers. We encourage our legislators and the Department of Natural Resources to outlaw this practice completely and permanently.

Karen Searle, Orange NSW, Australia

The practice of live bait dog training is inhumane to the extreme. To allow people to partake in such inhumanity is doing no good for anyone. Any wonder that your country's children are violent when you allow their adults to totally disregard the pain they put defenseless animals through. You need to lead by example by outlawing such behavior and so I support the IDNR in their endeavor to get a rule that will help to stop this horrific practice.

Corasue Nicholas, Ogden Dunes, IN

I just read an account of trapping wild animals for use as "bait" for training hunting dogs and for penned hunts. I have read about penned hunting before (what a sick joke that is) but not about the so-called training. And now I hear there is a lobby to make this trafficking legal. Please do not acquiesce to the requests of this lobby; the use of trapped animals in this way is no better than dog-fighting, in fact it's worse as the animals are out of their home element and the odds are totally skewed.

I have always had issues with trapping, although I have read responsible trappers check their lines frequently so the trapped animals are killed without suffering too long. I know this is a legal use of wildlife, and accept it; my answer is simply never to buy anything with fur on it. I'd rather see the trapping continue than use of animals in these newer, crueler forms of "use."

I am an active environmentalist, and I am pro-hunting, well aware that hunters provide a service in culling an overabundance of deer and other species. True hunters earn the right to their kills, they learn patience and marksmanship and woodcraft. Penned hunting is for sick amateurs who feel the need to spill blood but not to develop a skill. Training dogs by setting them on an animal out of its element is exactly like training for dog-fighting--it teaches blood-lust and viciousness. Don't encourage this sort of brutality.

Kathleen Bauer, Bristol, IN

The savagery of turning hounds loose on wild animals, trapped and released in enclosures is deplorable. This has NOTHING to do with sport. Capture and sale of wildlife to dog training facilities by trappers should NOT be allowed at any time, in or out of season.

The efforts of the IDNR should not be simply to outlaw the sale of coyotes, foxes, rabbits etc. out of season, but to ban the sale of live animals by trappers without exception.

Euthanasia practices for animals trapped should be specific as in the present wording humane killing seems out of the question. PLEASE BAN ALL TRAINING FOR DOGS ON LIVE PREY IN ENCLOSURES AND THE SALE OF WILD ANIMALS FOR SUCH PURPOSES IN OR OUT OF STATE. ,

Sandra Henderson, La Porte, IN

There should be no selling of coyotes or other wildlife for "dog bait" in Indiana -- heinous, cruel, dangerous.

Robert Likavec and Jamie Benedict, Valparaiso, IN

Please fight to keep wild animals from being used as live bait for other animals. This is a very sick thing to do and we truly hope your efforts help end it. You can feel free to add our names to any petition against such activities.

Mary Ann Crayton, Dune Acres, IN

I am opposed to using all animals for human recreation. The practice of using them as live bait is particularly despicable. Please do all that you can to protect the animals of Indiana from the ignorant and shameless and vile humans who which to torture them for their own amusement.

Cynthia L Nelson, San Pierre, IN

I am against all cruelty to animals and this inhumane treatment to animals must stop. What a disgusting thought, what will the human mind think of next....We need to put an end to cruelty to animals for sport. If these people have so much money to throw away, let them feed the needy.

Martha Shoff, Elkhart, IN

I have been an Indiana resident for 43 years. I would like to express my outrage at the potential of legalizing the use of wild animals as bait. This is a cruel and barbaric practice with no resemblance of sport or greater gain for the public and certainly not for the wildlife in this state. It would be interesting to know the percentage of Hoosiers whom support or participate in this type of activity.

In addition to the cruelty of using live animals for bait, this practice threatens Indiana's human and animal residents with possible diseases that could be brought in with trapped animals from other states that would be released on Indiana soil.

We as a nation recoiled with disgust upon learning about the inhumane treatment of dogs via dog fighting via the Michael Vick case. Dogs tearing apart other dogs for the enjoyment and financial gain of human spectators was a practice abhorred by most Americans. I do believe that Indiana has a law in place protecting animals with vertebrate, making it illegal to harm or abuse animals under those criteria. Why then, would we allow wildlife with vertebrate to be inhumanely abused, tortured and killed?

Please express to the proper authorities my strong convictions that Indiana should NOT legalize nor participate in such activities as live bait training, etc. We talk about changing our clocks to show the rest of the nation that we are not "backward." Lets make the effort to show that we are also not "backward" in the humanitarian efforts to protect our living resources which is a much better indicator of what kind of people make up the state of Indiana.

Martina Rukavina, Valparaiso, IN

Please put a stop to the barbaric practice of using captured wild animals as bait for training purposes. Just the thought of the terror these animals must feel is enough to sicken me. Allowing Indiana natural resources to be squandered for some "sport" is ludicrous.

The mission of the DNR is to conserve and manage what is left of wild life, not to allow individuals to destroy or torture and terrorize wild animals. Please work to halt this disgusting misuse of animals. This is on par with canned hunts of tame animals. What a waste! I am ashamed that this is going on in Indiana and I want it stopped!

Sara Elkin, Elkhart, IN

What an insane idea to use coyotes or any other live animal for dog training. I can't believe that this is issue is even being considered in this country let alone Indiana. Dog fighting is such a despicable "sport" (for lack of a better term). It should be outlawed. I don't approve of trapping. But I know this goes on and is legal. But selling live animals for training is one of the most disgusting things I've heard of lately. Please don't allow this to become a law. All other forms of live training should be stopped also. I

understand rabbits, foxes, ducks, pheasants and pigeons are also used. This is so unbelievable. Please stop this sort of action now.

Shannon McClane, Carmel, IN

I would just like to take a moment of your time to express my outrage and disgust at this practice of trappers concerning live bait animals. We need to put a stop to these inhumane practices. The nature is no different than that of the dog fighting incidents involving Michael Vick and many others. It is up to us to protect our environment and our wildlife not persecute and destroy it.

McClane also wrote:

I am writing in support of the proposed ban on coyotes being sold to pens for live bait training. This barbaric and inhumane treatment must be stopped. There is no difference between these practices and the bloodsport of dog fighting. The public was appalled at this issue as it came to light in the Michael Vicks case and the same must be said in the case for the coyotes.

Daniel & Barbara Lawhorn, Crawfordsville, Indiana

We are writing to express our opinion regarding the capture and use of coyotes for live baiting. This practice is barbaric, cruel and inhumane. We agree with the 10/18/07 Indianapolis Star article which stated, "There is no sportsmanship involved in setting packs of hounds upon disoriented, terrified and exhausted 'bait' animals that are penned..." We do not support this type of activity in any manner, including the sale of coyotes to out-of-state buyers. We encourage our legislators and the Department of Natural Resources to outlaw this practice completely and permanently.

Laura M. Nirenberg, Executive Director, Wildlife Orphanage, Inc., d/b/a Intrusion Solutions, La Porte, IN

I strongly urge you to close all the necessary loop holes that have allowed for the live trapping and selling of Hoosier wildlife. No trapped wild animal should ever be allowed to be sold. Additionally, any trapped animals should be humanely destroyed within 24 hours.

Jeffrey L. Samelson, Ph.D., Michigan City, IN

I vigorously oppose the selling of live trapped Hoosier wildlife as training bait. All trapped animals must be killed humanely within 24 hours of being trapped. No trapped wildlife to be sold live AT ANY TIME OF YEAR in Indiana.

Anide Wolfensohn, Long Beach, IN

Please support the administrative rule to put an end to legalizing this awful use of animal cruelty (live trapping) – the sale of live bait – for live bait animal training.

Rachael Jones, DVM; Christopher Keeley, DVM

Southlane Veterinary Hospital, Valparaiso, IN

Our comments to the NRC pertaining to the current issue of trapping coyote out of season with regard to the live sale and/or transport of these animals:

Autumn heralds the onset of hunting and trapping season and whether folks oppose or support the harvest of wildlife for consumption, management or recreation, most people comprehend that ethical and humane treatment of other living creatures defines mankind's stewardship role in society and in nature. In general, traditional outdoorsmen and state wildlife agencies subscribe to the notion that hunting, fishing and trapping are legitimate pursuits when conducted in "fair chase".

The disturbing disconnect from these basic tenants is illustrated by the surge of human activities that promote increasingly violent animal blood sports for profit and entertainment. A notable example is dog-fighting, considered a felony crime in Indiana and most of the US.

Public outrage against Michael Vick, the fallen football star who entangled his career in criminal dog-fighting activities, was vehement and swift. Rightly so. His heinous secret was outed and it serves as a symbol of national shame. Our shameful, dirty, "secret" in Indiana includes felony dog-fighting activities and more--the wanton torture of our wildlife, notably coyotes, captured by trappers and sold as live "bait" to hound training facilities, both in and out of state.

Currently, coyotes fetch a much higher price sold as live dog training bait than for pelts on the fur market. Accordingly, the practice of funneling wildlife to "penning" operations, popular in southern states and emergent in Midwest/central states (Iowa, Wisconsin, Missouri), has grown beneath the radar of state regulatory agencies, such as the Board of Animal Health (BOAH) and Indiana Department of Natural Resources (IDNR). Many of these out of state facilities also use other types of live animals for training or recreational "hunting"-- including raccoons, bobcats, hogs, bears, rabbits, and even various species of pen-raised fowl.

Coyote trappers have been emboldened by lucrative profits and are "taking" coyotes out of legal trapping season, selling them for penned hunts or as training bait to so-called sportsmen who are willing to pay handsomely for their chosen pastime. However, there is no sportsmanship involved in setting packs of hounds upon disoriented, terrified, and exhausted "bait" animals that are penned, nor by reveling in the ensuing carnage once the doomed animals are dragged down by the dogs. This brand of ritualized torture is as reprehensible as setting Man's Best Friend against one another for entertainment or profit, and wanton abuse makes no distinction between species.

Some trappers claim that the bait animals are well-cared for when marketed as "bait" animals-- ("revered" like great "racehorses")-- and are not harmed by the penning practices. According to them, killing of these animals is "never allowed", and it's all a fun game of "hide and seek" for the dogs being trained and the animals being pursued ! The inaccuracy of such far-fetched claims will be outed by credible testimony, should this matter be taken up by the general legislature. Plain old common sense (and the principles of supply and demand) suggest that if these claims were, in fact, accurate-- there would be a very limited market for additional, wild-caught, live coyotes sold to hound trainers--- as the penning operations would be saturated by experienced, veteran training coyotes. The numbers just don't add up.

Currently, trappers' groups and other misguided sportsmen's organizations who promote hounding sport are lobbying members of the Natural Resources Committee (NRC) to actively legalize the black-market trade of live trapped coyotes--intending to bypass IDNR objections against the "taking" of wildlife for sale as bait animals. Aside from the repulsive cruelty of this blood sport, there are significant public health and safety concerns when wildlife is marketed as bait animals or for penned "hunts". Serious rabies outbreaks in the eastern states were traced originally from some raccoons, as well as coyotes, that had been transported interstate to penning operations, and there are many other contagious diseases that can be spread by wildlife sold as live bait.

Public input is being accrued from Hoosiers and non-residents alike for the purpose of applying a specific administrative rule to put an end to this brand of wildlife trafficking. The proposed rule would not affect the ability of legal land owners to destroy or remove nuisance wildlife.

As Indiana residents and veterinary professionals with stakes in public health and the well-being of our livestock, pets and wildlife, I strongly encourage the NRC to endorse the changes proposed by the IDNR with respect to the "taking" and disposition of Indiana coyote. The practice of live sale for dog training or the transport of these animals out of state should be banned year round. To do anything otherwise would be condoning another form of animal cruelty and abuse.

If Indiana state law makes it a felony to fight dog on dog, it should not be permissible to sic' dogs on penned or trapped wild canids for "training" or recreation...This is completely unacceptable in a civilized society, irrespective of whether it's citizens appreciate wildlife or not.

Nannette Ames, Valparaiso, IN

I think this is totally deplorable. Animals are God's creatures and do not, I repeat deserve this kind of treatment. Everyone talks about pit bulls and rottweilers how vicious they are. You are training other dogs to be vicious to but nobody will ever hear about it. I feel the selling of these animals should be banned forever and ever. This should never and I mean never be allowed. They have walked this earth long before us and we should leave well enough alone. You are disrupting our ecosystem. Everything was put on the earth for a reason and that reason should be respected and not making a profit off of these animals. Leave well enough alone and put a halt to it. We should put some killers in jail and use them as bait. Save our tax dollars.

Toni Bianchi, Chesterton, IN

I find it unacceptable to use any animal domestic or wild to help train others to seek out and kill. Using coyotes for training packs of hounds is in no way "fair chase". Every autumn, I cringe at the sound of guns

shooting innocent wildlife in my back yard. I don't believe in hunting but I certainly think the Natural Resources Committee should ban the sale of our natural wildlife (coyotes) for the pursuit of such sadistic and cruel actions as teaching packs of dogs to track down and kill an individual coyote, fox or whatever. We as a civilized society should condemn this kind of animal cruelty. This is not sport this is the slaughter of an innocent wild creature.

Gretchen and Richard Koerting, Elkhart, IN

We are totally opposed to the inhumane practice of live bait dog training. We are astounded that the state of Indiana has allowed this to take place, or any state for that matter. The NRC should never consider legalizing this practice, and should put into law a statute which would allow local authorities to prosecute those involved in such a practice.

Debbie Fray, Valparaiso, IN

I urge you to please stop allowing persons to use live animals as bait for training dogs. I am referring specifically to the practice of trapping coyotes, which are then sold to persons training dogs to "hunt". I find this entire process reprehensible and inhumane.

Jerri Stratton, Hobart, IN

I will never understand why some people don't think animals suffer when they're tortured. Why do the rest of us in this civilized society allow this to happen? How can we stand by and watch? Shame on us all for being associated with the Michael Vicks of this world, because as long as good people look away it will continue.

Katherine Jones, Niles, MI

I am appalled at the current lobbying effort to legalize the selling of wild animals as bait "for dog training." This barbaric form of animal cruelty should never be condoned, let alone legalized! This is not sport. This is not outdoor recreation. This is savage and brutal death of creatures that have no means of escape. Not sportsmanlike: but sick, sick, sick. Who are these people? The Natural Resources Commission should never legalize this! And any government employee speaking out against this proposal of legalizing the selling of wild animals (or other animals, too) should not be punished in any way, shape, or form.

Claudia Duckworth, Wildlife Rehabilitator, San Luis Obispo, CA

PLEASE! Ban Live Bait Dog Training. Please stop the cruel use of coyotes.

Judith E. Kelly, Elkhart, IN

I am adamantly opposed to live bait dog training!

Kathy Duncan, Morro Bay, CA

I urge you to stop the barbaric and inhumane practice of using coyotes and other wildlife as bait in dog training. This is repulsive and should be stopped immediately. These practices cater to the more unintelligent and inhumane humans and must be stopped. I support the rules that prohibit selling or trading live coyotes. The practice of using coyotes or other wildlife for dog training or other related exercises is inhumane and repulsive. Please outlaw these barbaric practices.

Lane Ferrante, Bedford, OH

I am writing to you, even though I am not an Indiana resident, because this issue of selling coyotes as live bait has me so upset I can think of nothing else. We are living in the 21st century, thankfully not the dark ages where civilization was not yet evolved to where we are supposed to be today. Selling any animal to be abused, terrorized, slowly killed by being ripped apart by mad dogs for human pleasure is beyond sick..

This sounds to me like the recent Michael Vick case. Everyone knows how that ended. Anyone involved with this kind of thing should be in the cell next to Vick. The public was outraged over this dog fighting issue as they will be, without a doubt, with this issue as well. This is not hunting or trapping. This is cruelty of the highest proportion and the people will never stand for this once it is exposed. And it will be exposed and should be. What happens in one state often occurs in neighboring states so Ohioans will be watching to see what happens. I'm sure that you will do the right and responsible thing and put an end to this at once.

Linda Orlowski-Smith, Michigan City, IN

I am writing to show my support for the DNR's proposed ban on coyote trapping for the purpose of supplying live bait for dog training. I am asking that you please honor the DNR's request for a ban on this cruel and unnecessary practice. Trapping out of season for sale for these reasons is totally against the ethical hunting practices that the DNR tries to promote. Please take a stand and support the proposed ban, sending a message to those who participate in this practice that Indiana doesn't promote or allow cruel and inhumane wildlife practices. Thank you for your time,

William H. Atwood, Elkhart, IN

It has come to my attention that Indiana trappers wish to legalize selling of wild animals as bait for dog training. This seems to be a cruel activity and I see no reason to allow it.

Janice Hildabridge, South Bend, IN

I would like to add my input to the matter of trappers selling live animals as bait animals or for penned "hunts." Dog fighting is a felony in Indiana. Using wildlife as training bait is just as reprehensible as dog fighting. Pain is pain and it is not lessened when the being who suffers it is of a different species. Anyone who enjoys seeing a terrified helpless animal ravaged by another is a cowardly sadist and is no less guilty of felony animal abuse than Michael Vick. Please make every effort to put an end to this wildlife trafficking.

Charlotte Danh, Chesterton, IN

The question is should lethal trapping be allowed? The entire civilized world considers brutal trapping to be inhumane at best. There is no reason to use lethal traps. If the animals are a problem, non-lethal trapping can be used to remove the animals. If the animal must be killed it can then be performed humanely. The outcry over the football player, Michael Vick's fighting dogs and his engaging in the brutal killing of these dogs should be enough to let anyone, in any state, know that brutal behavior toward animals is not a laughing matter, not a sport, and should not be tolerated under any circumstances.

Steve Whitenack, Kosciusko County, IN

Coyotes are a nuisance animal. Ask any farmer who has had livestock preyed upon them. Not only domestic animals but other animals and birds also. Coyotes are an opportunity feeder, they will prey on game bird eggs and chicks, rabbit nests etc. By eliminating the use to sell in the live market you will be helping to increase the amount of depredation caused by the predators. Trapping coyotes is very expensive and a lot of hard work. Leave the market alone so that trappers like myself will continue to harvest them. If I cannot make a decent return on my investment then I will not trap them and many others also feel the same. Efforts in the west to eradicate the coyote have failed. They have use all sort of means for control and they are not able to get a hold on them. If you allow the anti hunting and trapping community to regulate the DNR then be prepared to suffer the outcome of what an over population of coyotes will do to the big picture of things!!!

Brian Dunn, Nipomo, CA

I support the DNR proposed change to the NRC rules (Title 312 9-3-12 and 9-3-14.5) that would prevent the cruel and in-humane use and/or sale of coyotes for live bait training purposes.

Timothy S. Haubry, Brownstown, IN

I have recently been made aware of the horrific practice of Live Bait Dog Training. It is hard to believe that such a violent practice could be legalized in this state that I have called home for most of my life. Have we not learned anything from all of the research and hard work that has been completed with the reintroduction of the wolf into Yellowstone and other western states. Even in our own state with the reintroduction of the American Bald Eagle. Our state is beautiful and the wildlife that share this land with us deserve to be protected from inhumane treatment. We have been given the authority from God to care for and protect what He has created. I believe that means protecting the innocent from those who wish to inflict pain, harm and torture. I am a public servant of this state. I serve to protect those who are innocent from those who commit illegal activity. I hope that those who have the authority to protect our wildlife will do the same.

Mark Wernert, Corydon, IN

There should be no restrictions concerning the taking and possession of coyotes. The population of coyotes is not being controlled as it is and more restrictions on sales and possession will worsen the situation. Many species such as quail, rabbits, red and grey fox and many others have endured population declines over the years due to coyote predation. Please remove all restrictions concerning coyotes so they may be taken and possessed anytime of year.

Kelly Vandenheuvel, Cayucos, CA

It is hard to imagine that inhumane treatment like this still exists in our world under any circumstances. It is horrible and unthinkable, and the people who are responsible for such cruelty should be severely punished. If I had it my way, I would make sure that every person who advocates this torture to helpless animals will some day pay for their poor judgment by having the same torture inflicted on them.

Steve Craig, Cottonwood, AZ

A non-resident trapper; I would just like the IDNR to FOLLOW INDIANA CODE!!! Stop trying to make laws/rules that are already established by Indiana code! The coyote issue is just such a rule. Please follow the I.C. and stop trying to use I.A.C. to trump it. This was established in 1987 with a couple of sunset clauses and in 1991 became law and was signed by the Governor. IDNR had every opportunity to respond during that time and didn't see a problem and NO Arrest's to date with the live coyote market. Remove the ONLY market left (coyote fur market near zero and falling) for trappers and there will be a HUGE increase in coyote numbers which translates into more deer fawn deaths and a reduced deer hear 5 to 7 years in the future for IDNR. Right now farmers don't have to pay for coyote control as trappers take care of the problem coyotes because they have a market and an incentive to do so. Remove that incentive and numbers/problems will spike in a big way. If the farmers can't or don't want to pay for the problem removal, then they will do what they have to through the legislative process to get the problems taken care of. IDNR will not have adequate funds to provide for this type of predator control. Please leave the coyote live market alone and allow trappers to be able to sell them alive or dead whatever they choose!

Doyle Flory, Tippecanoe, IN

I am against any change to coyotes without a year round live market. No one will trap coyotes. Just a live market from October March will drop the market to low to make money. Without a profit why trap them? Without trappers trapping them what will happen?

Greg Gower, Lockwood, NY

I, for one, would not like to see the proposed changes. IF you start with these changes, then it just escalades from there. I have trapped my whole life in NY and PA. I have enjoyed immensely, the experience of the whole, not as a part. N.Y. has made some proposed changes concerning conibear traps on land. I do not favor or deny this proposal, but where does it stop. A lot of money is put out from honest, law abiding sportsmen, and is trying to encourage the youth movement. Please reconsider the following changes in your proposal, as other states are sure to follow.

Chris Gambill, Terre Haute, IN

This proposed rule change will ultimately result in few coyotes being taken during any time other than the furbearing season. The other alternative is to take, kill, and discard the animal. This proposed regulation seeks to circumvent the statute passed by Indiana Lawmakers providing for a year long season for coyotes. If passed, this regulation will be challenged in court as it seeks to undermine the legislative intent of the statute. The statute seeks to encourage the harvest of coyotes and this regulation seeks to eliminate any economic incentive to harvest them. It is not a regulation regarding the "transport or sale" but a prohibition of transporting or sale. I suggest that in-house counsel do a bit of research on regulations subject to judicial review. Specifically, please see *K.R. by M.R. v. Anderson Community School Corp.*, 81 F3d 673 (7th Cir 1996), Administrative agency does not have authority to invade province of legislature by promulgating regulations that contravene the governing statute. Also, *Meir v American Maize-Products Co. Inc.*, 645 N.E.2d 662 (Ind. App. 1995), in exercise of regulatory powers to effectuate purpose of law, board may not make rules or regulations which are inconsistent with purposes of statute. If the DNR is interested in stopping the taking of coyotes year round, they should approach the legislature with a request to change the statute.

Janet Jordan, Santa Margarita, CA

I am writing to you to protest the use of coyotes and foxes as bait animals for dogs. This is a disgusting use of wildlife. Coyotes and foxes are necessary animals in the wild to keep down populations of ground squirrels and other rodents. Without these creatures the populations of rodents would explode, thus requiring the use of poison bait to control them. Yet another bad idea. Coyotes in particular are fascinating and wondrous creatures. Their ability to not only survive man's eradication attempts, but to actually increase their range, is truly amazing. I've spent years watching and studying their behavior and listening to their night song. Imagine countryside without their music. Coyotes have been accused of so much, but to date there are no reported deaths of humans by coyotes. To see them in the wild is to appreciate their beauty.

Perhaps it's time that Indiana put an end to this ugly practice.

Danny Lilly, Johnson, TX

There is a need to protect livestock in and around fur season. Reason to thin numbers on coyotes is, that they will over populate in areas causing lose of livestock and damage to other animals as well. They are carriers of diseases that effect livestock and deer populations. My father is a retired state trapper, I know the dealings with coyotes. Coyotes have litters every year just like a dog. They may have up to 9 or ten pups. They are also able to breed up to a year old. So lets look at the numbers. We have ten pairs of coyotes in a ten mile radius, ok they each have up to 9 pups. With in a year they will be able to produce offspring. Sure some wont make it, but what about the ones that do, they have to eat. So do the math, and the cycle repeats its self. I wouldn't say eradicate all coyotes, but keep the population in check.

Jeff Tice, Indianapolis, IN

I am generally IN FAVOR of this change. I believe it is a bad idea to leave a commercial market for coyotes (or any furbearers) taken outside of the normal taking season established by the DNR. If certain coyotes are causing a nuisance, landowners should be able to, and they may still, trap or hunt those coyotes that are causing a problem. However, leaving citizens with the freedom to sell coyotes taken outside of the normal season only creates an incentive to trap and hunt coyotes which are creating a nuisance.

Junenell Dolbel, Orange NSW, Australia

I fully support the Indiana Dept. of Natural Resources in their quest for a rule to stop coyotes being used for live bait training of dogs. I feel appalled that such a law even exists please stop the cruel and unwarranted treatment stop now.

Joe Bacon, Indianapolis, IN

I support IDNR clarifying the rule to make it illegal to sell wildlife live, in this instance coyotes.

While many will use urine collection as a valid use for live sale the bulk of sales is in fenced pursuit of trapped coyotes. If these coyotes are indeed contained within a fence and are not killed by dogs or shot there soon would be no market, but this is not the case. Coyotes and fox are either escaping and may spread disease to local populations or they are being killed by dogs trained to run down and kill them.

Indiana is now faced with two wildlife issues concerning high fence hunting coyote and deer; we need to look at our permit system on holding/raising and selling animals that are considered wildlife. Rehabilitation for protected and endangered species should be permitted such as Bobcat or birds of prey but not deer, coyote, fox or many more species.

Attached below are pictures taken in a fenced coyote "chase" pen of an actual "hunt". They were sent to me by an interested party in ending this activity.

Carol A. Loomis, Macungie, PA

I live in PA, but when I heard of your plan to sell live animals as bait for dogs for the pleasure of "dog runners," I was horrified. I have not been an extreme animal activist, but this behavior seems below the standards for humans. With concern for your constituents, and possibly for how Indiana looks to other states, and of course humanity and decency, do not pursue this course.

Celia Haugh, "Ban Live Bait Dog Training", Kokomo, IN

I fully support the IDNR in the making of the rule regulating the trapping and euthanizing of coyotes. I would also further support a ban on selling ALL trapped wildlife to running pens, dog trainers, and other end users of living wildlife for blood sport. A 12 month ban on live coyote/fox/bobcat sales would be supported by the Indiana public. Coyotes and foxes become highly stressed when caged in close quarters. Photos of these caged animals show them packed several to a cage – some with no room to stand or move. They are terrified and unable to seek cover when humans approach. They are fed sporadically and sometimes resort to cannibalism. This is abuse in its clearest form. These animals must see and smell the gore as their cagemates are slaughtered. In the Indianapolis police report attached as an exhibit, it is noted that parts of slaughtered coyotes and foxes were littered among the living animals in cages. This a dirty, unregulated, below the radar, Hoosier "business." The animals suffer. Drugs to tranquilize these animals are traded in a black market setting. All of this done under the veneer of a "cultural, recreational" form of entertainment and profit for Hoosiers. This must be stopped. The sooner the better. Please find attached exhibits which I would like to have entered into the public record as part of my comment.

NOTE: Exhibits referenced by Ms. Haugh are attached to the Hearing Officer's Report as Exhibit E

Alan and Donna Resetar, Valparaiso, IN

Please block the trapping and selling of coyotes and other wild mammals to out of state operations and individuals for use in dog running. It is not a wise or humane use of Indiana's wildlife. One cannot sell reptiles and amphibians native to Indiana. Let's keep things consistent.

Marilee A. Snyder-Nieciak, Michigan City, IN

Please DO NOT Allow Live Bait for Dog Training - Creates real dangers to the public if an animal gets loose. Besides it is inhumane - All Wild Animals have a purpose...

Joe Frye, Brazil, IN

Comments: As a citizen of Indiana I believe that hunters/trappers should be able to take and possess a coyote year round weather it be dead or alive. Multiple studies have shown that continued pressure and harvesting of coyotes does not decrease there future population. Certain coyotes need removed due to livestock and pet predation. The person removing the coyote(s) should be the one who decides what to do with it. If he can feed his family by selling that coyote to a reputable buyer than he has every right to.

Carol Hatfield, Indianapolis, IN

I am writing to express my concern regarding the selling of live trapped animals as bait for dog runners. This is gruesome, cruel, and should be outlawed. Please do not support this disgusting "business". If dog fighting is illegal, live baiting should be, as well.

Holly Jaycox, Battle Ground, IN

I am writing in opposition of the giving or selling of trapped wildlife to be used as bait for dog runners. This is not sport. Laws should protect animals from inhumane practices such as that. I am appalled that this is legal in my state. I hope that you will change this law to protect innocent wildlife from being used in this manner.

Jonathan Way, Ph.D., Osterville, MA

I am disgusted that dogs are allowed to be involved in killing coyotes. Stop this practice now and immediately!

Amanda Banasiak, Valparaiso, IN

The reason the world has problems with extinction of animals is because people hunted them, as "sport" until there were none left. You may say, "Oh this won't happen, we'll keep track". How do you know? People, especially competitive people, do not know when to stop. When does the limit of too much occur? If dogs are to be used as hunting aids, that is fine. But train them the way they have been trained for years. Just because an animal is wild does not mean that deserves any less respect and dignity. There will always be trappers and hunters, but why promote the inhumane killing of animals that happened to be over-

powered by a human? I do not understand how someone could even begin to consider making this a legal issue. People used to be punished for "cruelty to animals" and for allowing these sorts of things to occur. How is this different than dog fighting? Or the torturing of animals? To me, and too many others, there is no difference. I hope you make the correct decision. Would you want someone taking your dog or cat and allowing it to be torn apart by animals "in training"? I doubt it.

John F. Braden, Phoenix, AZ

IS THERE NO END TO THE STUPIDITY OF "SPORTSMEN" and the Indiana NRC and the Natural Resource Study members to the trapping of defenseless coyotes and other wildlife to be used (and killed) as "bait" in the name of dog running sports??? WHAT THE HELL IS WRONG WITH YOU FOLKS?? You are right up there with the Governors of Idaho and Alaska along with their "Game and Fish Commissions" in the killing of wolves by any means their imaginations can come up with! Please .. THE PUBLIC DOES NOT APPROVE of TRAPPERS SELLING LIVE ANIMALS and I want my comments regarding this practice to go on record as opposing this inhumane proposal! The residents of Idaho and Alaska have also violently opposed the wolf killing and ongoing attempts by the agencies and "SPORTSMEN" to legalize it. Defenders of Wildlife has filed several lawsuits to stop this horrible practice and "sport".

Carl A. Woodard, Fort Wayne, IN

Do not allow the public to trap and sell live coyotes.

Dawn Frick, Indianapolis, IN

As a long-time advocate for the welfare and defense of animals, I feel it is important to comment on the issue of using wildlife "bait" to train and run hunting dogs.

This is a cruel and unpardonable practice in my opinion and it ought not to be allowed to be legal in this state. It ranks right up there with "canned" hunts and shooting fish in a barrel. There is no justification for it except ineptitude in training dogs or laziness on the part of the trainer or both. Please do not allow this practice or anything like it, to be perpetuated on the wild animals of our state.

Janet Lidle, Lafayette, IN

I fully support prohibiting the sale of coyotes taken outside the hunting and trapping seasons. Coyotes captured alive should be humanely euthanized, not sold.

Sue Sefscik, Ormond Beach, FL

It is my understanding that the Indiana Natural Resource Commission is taking and counting public comments regarding the sale of coyotes and other trapped wildlife as bait for dog runners. Please be advised that should the general population be made aware of these despicable practices, I'm sure the public would NOT approve of trappers selling live animals to train dogs to kill. This is no better than Michael Vick with his "sport" of pit bull fighting. I shall be writing a letter to your local media of your intent.

* * * * *

THE FOLLOWING PERSONS FILED THE SAME OR SIMILAR COMMENTS:

Liz Goral, Griffith, IN; Kathleen M. Allspaw, Nashville, IN; Lisa Cardona, Noblesville, IN; Karen Luerssen, Bloomington, IN; Jacquelyn Cramer, Indianapolis, IN; Karen Daniel, Schererville, IN; Margaret Clark, Bloomington, IN; Ira Presslaff, Indianapolis, IN; Victoria Bunch, Lafayette, IN; Dennis Daniel, Schererville, IN; Kris McCain, Angola, IN; Karen Fields, Wheatland, IN; Ashlie January, Noblesville, IN; Corliss Decker, Kendallville, IN; Walter Wolverton, Lafayette, IN; David Boyden, Gary, IN; Linda Corgiat, Lafayette, IN; C. Herold, Clarksville, IN; Dolores Yurtanas, Valparaiso, IN; Cindy Goodwin, Fort Wayne, IN; Diane Thalmann, LaPorte, IN; Marcie Bayman, Columbia City, IN; Pamela Vouras Callahan, Granger, IN; Cathleen Rodda, West Lafayette, IN; Laura Louthan, South Bend, IN; Michelle L. Hayes, Valparaiso, IN; Luis Rodriguez, Griffith, IN; Gregory Konger, Fort Wayne, IN; Valerie Elliott, Indianapolis, IN; James Strange, Indianapolis, IN; Jenn Nolan, Portage, IN; Sarah Stone, Indianapolis, IN; Belinda Imel, Martinsville, IN; Guy Gardner, Crestwood, KY; Steve Kveskin, Evansville, IN; Neil Brown, Munster, IN; James Dine, Greenfield, IN; Teresa Skaggs, Bargersville, IN; Kim English, Logansport, IN; Buster Lahey, North Demotte, IN; Melinda Mitchell, Yorktown, IN; Theresa Jones, Anderson, IN; Marsha Sharp, Evansville, IN; Kathy Voigt, Batesville, IN; Lisa Yates, Lafayette, IN; Celena Watson, Argos, IN;

Lea Lindsey, Michigan City, IN; Christina Schelle, Indianapolis, IN; Darlene Hauck, Greensburg, IN; Stephen Masterson, Greensburg, IN; Barbra Helms, Boonville, IN; Jen Deputy, Elkhart, IN; Charlene McDermed, Cumberland, IN; Rebecca Lee, Monroe City, IN; Marcia Stone, Indianapolis, IN; Mary Lemberger, Wabash, IN; Darwin Ryse, Greensburg, IN; Rose Flower, Edon, OH; Susan Richardson, Evansville, IN; Debbie Fray, Valparaiso, IN; Connie Szawara, La Porte, IN; Cindy Brice, Highland, IN; Kymberly M. Paglione, Fort Wayne, IN; Mary Ann Sodrel, New Albany, IN; Joe Otter, Indianapolis, IN; Ronald Apple, McCordsville, IN; Stella Koch, Greenfield, IN; Trista Doswell, Ft. Wayne, IN; Kristi Oaf, Indianapolis, IN; Amanda Shebish, Lowell, IN; Judy, Lafayette, IN; Shelby Kitch, Akron, IN; Allen Hubbell, W. Lafayette, IN; DeAnna Flores, Hammond, IN; Lori Fields, Elkhart, IN; Marla Zimmerman, Indianapolis, IN; Deb & Ron Watson, Indianapolis, IN; Judith Ferrell, Elkhart, IN; Kathleen Kemp, Anderson, IN; Jerry Loomis, Greentown, IN; Monty Mosby, Indianapolis, IN; Erin Baugh, Indianapolis, IN; Corasue Nicholas, Portage, IN; Karen Wever, Indianapolis, IN; Charles Vaughn, Indianapolis, IN; Teresa Danner, Alexandria, IN; Andrew Patton, Hammond, IN; Linda Cales, Indianapolis, IN; Virginia Stroud, Indianapolis, IN; R Jane Long-Carlson, Schererville, IN; Deidre Eden, Noblesville, IN; Marti Lindell, Noblesville, IN; John Rodenbarger, Brookston, IN; Debbie Hubbard, Indianapolis, IN; Peter Oleson, Craigville, IN; Blake Fields, Columbus, IN; Kristie Fuller, Montpelier, IN; Karla Sanders, Frankfort, IN; Gloria Wilhelm, Fort Wayne, IN; James Gaudin, Shelbyville, IN; Mindy Young, Indianapolis, IN; Dawn Russell, Carmel, IN; Janet Rauscher, Indianapolis, IN; Sarah Owen, Bloomington, IN; Shannon Campbell, Cedar Grove, IN; Christopher Wolfe, Memphis, IN; Pam Bernhard, South Bend, IN; Sharman Woll, Brazil, IN; Nancy Diane Brooks, Bloomington, IN; Dawn McGuire, Indianapolis, IN; Karen Daniel, Schererville, IN; Louise Clendenen, Avon, IN; Carolyn Wineinger, Indianapolis, IN; Elizabeth Alter, Fort Wayne, IN; Scott Vana, Reynolds, IN; Terri Roberson, Indianapolis, IN; Pamela Vouros Callahan, Granger, IN; Yvette Court Gipson, New Palestine, IN; Carlo Bertolinim, Indianapolis, IN; Nancy Fischer, Middletown, IN; Kym Ralston, Indianapolis, IN; Paula Auler, Greenfield, IN; C.G. Schroder, New Albany, IN; Erin Dobbs, Muncie, IN; Nicole Lalor, Indianapolis, IN; Victoria Bunch, Lafayette, IN; Kristen Ratcliff, Indianapolis, IN; Barbara Smith, Michigan City, IN; Karen Fields, Wheatland, IN; Andi Sargent, Kokomo, IN; Marcie Bayman, Columbia City, IN; Luis Rodriguez, Griffith, IN; Terri Scott, Greenwood, IN; Tristan Schmid, Indianapolis, IN; Marla Zimmerman, Indianapolis, IN; Jennifer Smith, Indianapolis, IN; Kris McCain, Angola, IN; Kasie Auler, Greenfield, IN; Kathleen M. Allspaw, Nashville, IN; Christina Schelle, Indianapolis, IN; Marsha Sharp, Evansville, IN; Elizabeth Tedesco, Henryville, IN; Louise Roys, Lowell, IN; Kathy Shand, Nashville, IN; Wendy Mullins, Hebron, IN; Tina Linder, Mulberry, IN; Gayle Stocker, Lawrenceburg, IN; Lisa Bubala, Griffith, IN; Kathryn Montag, Brookville, IN; Nannettea Ames, Valparaiso, IN; Alana K Bauman, DeMotte, IN; Nancy White, Fort Wayne, IN; Donna Griffo, North Judson, IN; Carol Chase, Valparaiso, IN; David Paul Xavier Burch, South Bend, IN; James Dine, Greenfield, IN; Lindsey Patten, Avon, IN; Patricia Siri, Leesburg, IN; Rochelle Briscoe, Indianapolis, IN; Joshua Holden, Brazil, IN; Kim English, Logansport, IN; Karen M. Corey, Hammond, IN; Reneda Baer, Evansville, IN; Cori Wolfe, Munster, IN; Larry Apple, McCordsville, IN; Dustin Marks, Grabill, IN; Amy Lindley, Pekin, IN; Smita Skrivaneek, Indianapolis, IN; Audrey Weaver, Hammond, IN; Susan Brown, Indianapolis, IN; Karen Kerekes, Whiting, IN; Kim Thomas, Columbus, IN; Jeanete Johnson, Indianapolis, IN; Heather Shaffer, Valparaiso, IN; Anne Firestone, Oxford, IN; Kelli Robinette, Bloomington, IN; Gloria Hancock, Monticello, IN; Jason Smith, Indianapolis, IN; Earnie Ramadan, Jackson, MI; Elizabeth Schnur, Kirklin, IN; Susan Biggs, Columbia City, IN; Beth Dillman, Madison, IN; Claudia Heilke, Porter, IN; Pamela Schubach, Logansport, IN; Lynnette Price, Indianapolis, IN; Abby White, Indianapolis, IN; Rebecca Lee, Monroe City, IN; Robert Fleming, Indianapolis, IN; Sally Sprunger, Decatur, IN; Judith Ferrell, Elkhart, IN; Carol Koster, Newburgh, IN; Ira Presslaff, Indianapolis, IN; Aimee Hodges, Lawrenceburg, IN; Kayla Leach, Crawfordsville, IN; Shelby Kitch, Akron, IN; Pete Riffle, Gary, IN; Dale LaCognata, Fishers, IN; Laura Scarborough, South Bend, IN; Amanda Shebish, Lowell, IN; Rebekah Wick, Cincinnati, OH; Ashley Hoover, Indianapolis, IN; Kristi Weber, South Bend, IN; Shari Smith, Bloomington, IN; Judy Hubbell, West Lafayette, IN; Marti Lindell, Noblesville, IN; Allen Hubbell, W. Lafayette, IN; Carissa Shumaker, Indianapolis, IN; Harold Johnsen, Hammond, IN; Melinda Mitchell, Yorktown, IN; Karalee Krug, Lawrence, IN; Terry and Autumn Wolf, Peru, IN; Meredith Paige, Fairland, IN; Joe Otter, Indianapolis, IN; Zilia Estrada, Bloomington, IN; Karen Wever, Indianapolis, IN; Stephen Masterson, Greensburg, IN; Rebecca Jackson, Indianapolis, IN; Deana Jacobs, Brownsburg, IN; Carol Tuskan, Highland, IN; Jen Ferry, Lowell, IN; Sarah Schaefer, Vincennes, IN; Onnie Briggs, Swayzee, IN; Cinda Black, Indianapolis, IN; Judy Melvin, Bedford, IN; Mark Hodie, Munster, IN; Kim Shoup, Angola, IN; Cam Krosnoff, Indianapolis, IN; Erin Baugh, Indianapolis, IN; Jan

Smith, Indianapolis, IN; Tracy Brown, Sheridan, IN; Angela Miller, New Albany, IN; Sally Myers, Muncie, IN; Phyllis Brouse, Indianapolis, IN; Lisa Zoeller, Indianapolis, IN; Onnie Briggs, Swayzee, IN; Eric Hooegeveen, Highland, IN; Geoff Blanco, Valparaiso, IN; Dawn Roberts, Plainfield, IN; Laura Phillips, Highland, IN; Betty Coy, Noblesville, IN; Dottie Gauze, Zionsville, IN; Nancy Harris, Michigan City, IN; Judith Siegler, Dyer, IN; C Herold, Clarksville, IN; Paula Etheridge, Hammond, IN; Jamie Wilson, Noblesville, IN; Angela Jackson, Indianapolis, IN; Karen Gatewood, Mt. Vernon, IN; Gregory Konger, Fort Wayne, IN; Carrie Carothers, Columbus, IN; Betty Fahnestock, Greenfield, IN; Kalpana Reddy, Indianapolis, IN; Stacy Davis, New Castle, IN; Sally Giles, Indianapolis, IN; Oxana Werbiansky, Elkhart, IN; Suzanne Waggoner, Shelbyville, IN; Alice Shortridge, Camby, IN; Kristie Fuller, Montpelier, IN; Cyndi Hoon, Evansville, IN; Natalie Yezbick, Evansville, IN; Donna Curtis, Munster, IN; Tammy Barton, Williamsburg, IN; Gary Mullens, Lake Station, IN; Linda Cales, Indianapolis, IN; Andrew Patton, Hammond, IN; Natalie Kinsey, Fort Wayne, IN; Jerry Yezbick, Evansville, IN; Peter Washburn, Charleston, SC; Darlene Hauck, Greensburg, IN; Dwight Fish, Elkhart, IN; Christina Hess, Vincennes, IN; Ann Dean, New Albany, IN; Sammantha Lyle, Bloomington, IN; Brent McNiece, Clayton, IN; Julie Best, Lafayette, IN; Jennifer Burton, Bargersville, IN; Leah Masterson, Greensburg, IN; Cynthia Waldrop, Carmel, IN; Sue Castle, Hobart, IN; Beth Underdahl-Peirce, Bloomington, IN; Debbie Butz, Schaumburg, IL; marcia stone, Indianapolis, IN; Jen Deputy, Elkhart, IN; Hanna Weidner, Kendallville, IN; Abigail Harrison, Fort Wayne, IN; Haylie Hawxhurst, Bloomington, IN; Lynn Forsterling, Kokomo, IN; Paul Eisenberg, Bloomington, IN; Tracy Sanford, Ottawa, Ontario, Canada; Sydney Thomas, Indianapolis, IN; Lori Fields, Elkhart, IN; Kelli Widmeyer, Elkhart, IN; Eileen Michaels, Spring Hill, FL; Jackie Meyers, Frankfort, IL; Dierk Hanke, Wolfsburg, GA; Monika Hanke, Hildesheim, GA; Teresa Ramsey, Shelbyville, IN; Dean Baker, Indianapolis, IN; Dessie Johnson, Franklin, IN; Shala Brizendine, Monrovia, IN; Brennah Soukup, McCordsville, IN; Jessica Gawlik, Angola, IN; Miranda Vorhees, Gaston, IN; Kathy Voigt, Batesville, IN; Jeanette Frazier, Indianapolis, IN; Tammy Claude, Evansville, IN; Rebecca Bilbrey, Indianapolis, IN; Carmen Stauss, Indianapolis, IN; Nancy Baumgardner, Bristol, IN; Meagan Alger, Dyer, IN; Sue Neuffer, South Bend, IN; Mary Ann Sodrel, New Albany, IN; Diana LeBrun, Pleasant Lake, IN; Olia Bueva, Bloomington, IN; Jeannie Striegel, Urbana, IL;

Please support a year-round ban on selling live, trapped coyotes across state lines for use in hunting pens. Indiana prohibits hunting pens, and likewise our wildlife should not be sold to hunting pens in other states. The cruelty the wild coyotes experience in hunting pens is not unlike that of hog-dogging in the South: The pursued animals cannot escape the hunting dogs and are ultimately torn to shreds by the pack. The sales of Indiana's wildlife for this blood-sport should be banned for humane reasons alone.

ALONG WITH THE ABOVE COMMENT, THE FOLLOWING PERSONS ALSO FILED THE FOLLOWING:

Christopher Wolfe, Memphis, IN

Michael Vick was recently prosecuted and convicted for animal fighting. He will spend time in prison. How is this different?

Elizabeth Tedesco, Henryville, IN;

I live adjacent to the Clark State Forest and have coyotes very close to my house, so I am familiar with them. They are living creatures worthy of utmost respect and should not be subjected to cruelty.

Nannettea Ames, Valparaiso, IN

This should never be allowed any time of the year. There needs to be an end put to this!

Nancy White, Fort Wayne, IN

With the cruelty to animals that Indian is known for such as dog fighting , would you please stand up for the coyotes and show the country that we are going to start becoming a state with compassion for All animals, and become a leader instead of a follower of what you know is wrong. Please bring Indiana into the front of animals laws instead of showing our usual let someone else do it attitude.

Abby White, Indianapolis, IN

This is absolutely disgusting...what kind of "hunters" are they if there is no real hunt? It is one thing if they are in the wild and have a chance--but they don't! Do these people have no other way to spend their time?

Sally Sprunger, Decatur, IN

PLEASE, help put a permanent stop to this kind of animal abuse and torture and put the people in jail who find activities like this fun! It makes me sick!

Zilia Estrada, Bloomington, IN

As has already been shown in studies of those involved with human cruelty to other humans, cruelty towards animals is often a precursor and stepping stone towards other barbarities towards people as well as animals.

Carol Tuskan, Highland, IN

If you don't stop this horrific abuse of innocent animals, you are no better than Michael Vick for what he did to dogs. It's the same thing. For the first time, i'm ashamed of Indiana, there's nothing to think about, and this is violent and brutal. Just what is the purpose of the Indiana natural resources commission? Another waste of taxpayers money?

Mark Hodie, Munster, IN

Indiana's record on protecting animals has been spotty at best. But improvements have been made and we must go further. This is the 21st century! How can this madness still be happening? Indiana has been a party to this coyote cruelty and the time has come to stop it!! Coyotes deserve the same respect and compassion as all other animals do!

Onnie Briggs, Swayzee, IN

This sounds so cruel to me. Wonder how politicians would like to be in the same situation as the foxes and coyotes. STOP KILLING OURWILDLIFE!

Betty Coy, Noblesville, IN

Evolution and Intelligent Design should both work toward a higher intelligence and civilized behavior.

Sally Giles, Indianapolis, IN

There are already not enough of our states natural predators to keep the rodent populations down, or keeping the deer populations healthy, etc. WE NEED them in the WILD and NOT on someone's property, thinking this is a kind of sport! What is next...wolves??

Natalie Kinsey, Fort Wayne, IN

Please consider what these animals go through. Just because they can't speak doesn't mean they can't feel. They do not deserve to live and die in such a violent way.

Teresa Ramsey, Shelbyville, IN

I have two kids there are so many cruel things going on in our world cant you stop some of it give them a chance to see all mankind are not heartless stop these people all the time not just part of the time.

Mary Ann Sodrel, New Albany, IN

Coyotes are terribly wronged--in every way—physically, verbally, misinformation.

Jeannie Striegel, Urbana, IL

How can Indiana effectively fight against dog fighting when this activity is promoted and protected by the state? You are continuing to feed the beast of animal cruelty by allowing thiscruelty. The sales of Indiana's wildlife for this blood-sport should be banned for humane reasons alone. Please place a year

* * * *

THE FOLLOWING PERSONS FILED THE SAME OR SIMILAR COMMENTS:

Jenny Parker, Indianapolis, IN; Kathryn Carter, Bloomington, IN; Jennifer Covert, Fort Wayne, IN; Michael Clark, Indianapolis, IN; Kate Keneipp, Zionsville, IN; Linda McGurk, Covington, IN; Clay Jackson, Fishers, IN; Cindy Howard, Indianapolis, IN; A Hays, Indianapolis, IN; Shellie Davis, Clarksville, IN; Lorrie Saar, Jeffersonville, IN; Jane Eagan, Crown Point, IN; Ryan McDonald Nappanee, IN; Connie Conklin, Shoals, IN; candy sheagley, Brookston, IN; Sandy Isaacs, Cambridge City, IN; Mary Garwood, Carmel, IN; Sarah Thompson, Indianapolis, IN; Michelle La Bonne, Indianapolis, IN; Tonya Hanshew, Fishers, IN; Laura O'Brien, Carmel, IN; June LaPlant, Indianapolis, IN; Maureen Scott, Indianapolis, IN; Kristine Hoover, Westfield, IN; Robin Daugherty, Rosedale, IN; Donna Lockridge, Indianapolis, IN; Natalie Hanson, Indianapolis, IN; Phyllis Genton, Clarksville, IN; Alice Harker, Newburgh, IN; Mitchell Surface, Fort Wayne, IN; Carolyn Bierbaum, Elkhart, IN; Amy Shaner, Indianapolis, IN; Jennifer Chambers, Corydon, IN; Melissa Simmons, Bloomington, IN; Diana Arnold, Greensburg, IN; Jennifer Blank, Ft. Wayne, IN; April Tchiguka, Indianapolis, IN; Kari Kirsch, Evansville, IN; Laura Morris, Fort Wayne, IN; Sarah Lucas, Camby, IN; Webster J. Peterson, Indianapolis, IN; Susan Sammis, Bloomington, IN; Randi Light, Portage, IN; Nancy Thompson, Hammond, IN; Sue Sawyer, Lawrenceburg, IN; Philip Williams, Indianapolis, IN; Wayne Acton, Washington, IN; John Sherfield, Patoka, IN; Terry McCain, Zionsville, IN; Michael Emmett, Bloomington, IN; Herta Bedunah, West Harrison, IN; Jennifer Karesh, Fishers, IN; Sharon Vandercoy, Valparaiso, IN; Diana Martz, Indianapolis, IN; Marilynn Chavez, Portage, IN; Kathy Kniola, LaPorte, IN; Jack Saylor, South Bend, IN; Dale Johnson, Demotte, IN; Stephanie Hayes, Indianapolis, IN; Barbara Larson, Crown Point, IN; Wendy Cooper, Carmel, IN; Heather Dean, Frankfort, IN; April Stacey, Muncie, IN; Vanessa Harden, Campbellsburg, IN; Marcy Miller, Bloomington, IN; Carol McNally, West Lafayette, IN; Steve Jones, Lafayette, IN; L. Anne Haines, Bloomington, IN; Kathy Rankin, Rushville, IN; Kimberly Brownlow, Indianapolis, IN; Linda McMillan, Valparaiso, IN; Tina Gasteiger, Fort Wayne, IN; John C. Guare, Indianapolis, IN; Kathy Colbert, South Bend, IN; Jena Myers, Indianapolis, IN; Karen Guthrie, Terre Haute, IN; Wendy Mudis, Indianapolis, IN; Gary Dietmeyer, Carmel, IN; Miki Strabley, South Bend, IN; Ronald Larson, Crown Point, IN; Elizabeth Glass, Crestwood, KY; Carmen Hurst, Lafayette, IN; Amy Allison, Columbus, IN; Sarah Boyer, Mooresville, IN; Andrew Nill, Indianapolis, IN; Melissa Secrest, Garrett, IN; cherie ticknor, North Vernon, IN; Alan Mehringer, West Lafayette, IN; Kay Fielding, Indianapolis, IN; Shirley Albrecht, Highland, IN; Lisa Roberts, Corydon, IN; Lisa D. Stone, Gary, IN; Patricia Pinkham, Kokomo, IN; Glenn Kinduell, Fort Wayne, IN; Arlene Leas, Richmond, IN; Keith Myers, Indianapolis, IN; Mark Jazyk, Hammond, IN; Teresa Seitz, Winslow, IN; Jen McFerron, La Porte, IN; Jean L. Nunley, Indianapolis, IN; Carissa Shumaker, Indianapolis, IN; Angel Fugate, Hammond, IN; Danette Schau, Hobart, IN; Walter Florczak, Highland, IN; Angie Lundy, Indianapolis, IN; Beth Lee Simon, Fort Wayne, IN; Sashi Sekhar, Schererville, IN; Sharon Wright, Bargersville, IN; Thomas Wilson, Lafayette, IN; Paula Wilson, Lafayette, IN; Julie Johns-Cole, Corunna, IN; Tonya McCray, Ellettsville, IN; Kristen Harden, Bloomington, IN; Nanette Kinsey, Fort Wayne, IN; Mike and Sally Weir, Carthage, IN; Pam Fralish, Lebanon, IN; Donald Morin, Terre Haute, IN; Michael Heath, Indianapolis, IN; Donna Wiley, Greencastle, IN; Carla Corley, Lanesville, IN; Stephanie McKay, Terre Haute, IN; Rock Jones, Plymouth, IN; Jenny Geary, Merrillville, IN; Rosemarie Overstreet, Indianapolis, IN; Evelyn Cunningham, Evansville, IN; Bridgett Milner, Terre Haute, IN; Mark Darrall, Yorktown, IN; Brad Holmes, Indianapolis, IN; Densie Maas, Chesterton, IN; Laura Nirenberg, LaPorte, IN; Amy Loop, Bloomington, IN; Cheryl Powell, Lake Station, IN; Sandra French, New Albany, IN; Robert Everhart, Terre Haute, IN; Darrell House, Wilkinson, IN; Jennifer Rice, South Bend, IN; Karen Mohamad, Jacksonville, FL; Kim Daily, Sellersburg, IN; Bridget J. Dongu, Portage, IN; Susan Ebershoff-Coles, Danville, IN; Robert Poorman, Vincennes, IN; Tracey Wilk, Ellettsville, IN; Jo Zickmund, Clayton, IN; Aparna & Anindo Dey, Indianapolis, IN; Brooke Cooper, Madison, IN; Jeff Gabbard, Mooresville, IN; Jill Persman, Noblesville, IN; Mirra Price, Indianapolis, IN; Matt Persman, Westfield, IN; Debra Hatter, Plymouth, IN; Anne, Stephenson, Bloomington, IN; Ann Richey, Charlestown, IN; Janette Teevan, Fishers, IN; Jane Patton, Fishers, IN; Jennifer Hatchett, Vevay, IN; Jean Moore, Greenwood, IN; Nancy Palmquist, Jeffersonville, IN; George Scott, Vevay, IN; Charles Rupley, Mishawaka, IN; Marsha Stearley, New Albany, IN; Laura Vaughn, Elkhart, IN; Amy Shirk, South Bend, IN; Gregory Gammons, Fishers, IN; Cherie Vogel, Hobart, IN; Thelma Lambley, Indianapolis, IN; Wm. Keith Manship, Anderson, IN; Shelley Regina, South Bend, IN; Sharon A. Janson, Otisco, IN; Ellen Gale, Hobart, IN; Krystina Campbell, Indianapolis, IN; Jasmine Rau, Indianapolis, IN; Anna White, Terre Haute, IN; Marcia Nix, Fort Wayne, IN; Marcia Campbell, Indianapolis, IN; Michelle Saliaris, Crown Point, IN; Rebecca Elder, Monroe City, IN; Anne Sterling, Bloomington, IN; Debbie Grew, Indianapolis, IN; Ruthann Graczyk, Crown Point, IN; Judith E Cieslak, Valparaiso, IN; Judy Florczak, Munster, IN; Maria Blanco, Valparaiso, IN; Patricia

Procyk, Dyer, IN; Lisa Kime, Elkhart, IN; Gayle Tonkovich, Whiting, IN; Jennifer Kaiser, Jeffersonville, IN; Brendan Tebben, Indianapolis, IN; Margo Barrick, Muncie, IN; Cindy O'Brien, Rome City, IN; Mary Valerie Stroh, Auburn, IN; Debbie Wilson, Edinburgh, IN; Rocky Robinson, Louisville, KY; Janice Hallahan, Hebron, IN; Diane Rhodes, South Bend, IN; Janice Davis, Muncie, IN; Stephanie Elrod, Anderson, IN; Margaret Smith, Fort Wayne, IN; Shawn Carr, Schererville, IN; Susan Smith, Jeffersonville, IN; Kim Vanderwilt, Indianapolis, IN; Tallia Holley, Willits, CA; Kelly Kielce, Elkhart, IN; Andy Patton, Hammond, IN; Mike W. McCartin, Fort Wayne, IN; Bridgett Milner, Terre Haute, IN; Kathy Thomas, Indianapolis, IN; Lora Berry, Goshen, IN; Sharon Vandercoy, Valparaiso, IN; Laura O'Brien, Indianapolis, IN; Donna Lockridge, Indianapolis, IN; Pamela Shultz, Gary, IN; Lorinda Clevenger, Indianapolis, IN; Patricia Benson, Bloomington, IN; Jenny Crouch, Indianapolis, IN; Kate Keneippm, Zionsville, IN; Alison Stankrauff, South Bend, IN; April Stacey, Muncie, IN; Alice Baker, Peru, IN; Jennifer Covert, Fort Wayne, IN; Amy Shirk, South Bend, IN; Matthew Sieber, Bloomington, IN; Nancy Lee, Bloomington, IN; Mary McCormick, Avon, IN; Rita Ryan, Evansville, IN; Marsha Ross, Columbus, IN; Keith Myers, Indianapolis, IN; Patricia Daub, Indianapolis, IN; Adrienne Eagle, Munster, IN; Cathy Folsom, Princeton, IN; Claudette Canzian, Greenfield, IN; Michelle La Bonne, Indianapolis, IN; Gina Woods, Indianapolis, IN; Julia Karr, Bloomington, IN; Karen Griffith, Hammond, IN; Jena Myers, Indianapolis, IN; Phyllis Genton, Clarksville, IN; Jamie Taylor, Evansville, IN; Alissa Hinkle, Fishers, IN; Kristin Schroeder, Bloomington, IN; Andrew Nill, Indianapolis, IN; Scott Sefton, Crown Point, IN; Leslie Ballard, Terre Haute, IN; Amber O'Neal, Lebanon, IN; Brenda Shanks, Covington, IN; Peggy Dixon, Alexandria, IN; Barbara J. Jackson, Indianapolis, IN; Ellen Stauffer, Bloomington, IN; Heather Conniff, Richmond, IN; Candy Sheagley, Brookston, IN; Terry McCain, Zionsville, IN; Robert Poorman, Vincennes, IN; Alan Mehringer, West Lafayette, IN; Brianne Setterlof, Noblesville, IN; Patrick Smith, Bloomington, IN; Tami McQueen, Columbus, IN; Julie Kendall, Schererville, IN; Richard N. Huff, Fort Wayne, IN; Cosmina Menghes, Mishawaka, IN; Glenn Kinduell, Fort Wayne, IN; Terri Greenwell, Martinsville, IN; Kathy Kniola, LaPorte, IN; Reba Erickson, Terre Haute, IN; Christine A. Hrycyna, Lafayette, IN; Patti Etchison, Tipton, IN; Jami Moore-Munson, Indianapolis, IN; June LaPlant, Indianapolis, IN; Megan Young, Hudson, IN; Kerri Wagner, Lafayette, IN; Carolyn Schmid, Greenwood, IN; Dennis Gaither, Bristol, IN; Lorelei Meeker, Bloomington, IN; B Kennedy, Newburgh, IN; Jenny Boomershine, Elkhart, IN; Carol Gardner, Scottsburg, IN; George Russell, Indianapolis, IN; Heather Creely, Lafayette, IN; Susan Fusner, Hammond, IN; Cindy Moss, Highland, IN; Terri Foor, Elwood, IN; Kristine Hoover, Westfield, IN; Charlene Duline, Indianapolis, IN; Mary Moore, Danville, IN; Deborah Dennany, Brazil, IN; Susie Hamilton, La Porte, IN; Jennifer Noone, New Albany, IN; Anthony Pittelko, New Albany, IN; Linda Goff, Schererville, IN; Marilyn Robinson, Ogden Dunes, IN; Rita Payne, Indianapolis, IN; Wendy Shoemaker, Indianapolis, IN; Ellen Zirkelbach, Evansville, IN; Michael Albrecht, Highland, IN; Ed Metz, Portage, IN; Terri Greene, Bloomington, IN; Deneen Diehl, Hammond, IN; Rob Caylor, Indianapolis, IN; Sashi Sekhar, Schererville, IN; Wayne Copenhaver, Richmond, IN; Courtney Wennerstrom, Bloomington, IN; Keith Lyle, Jeffersonville, IN; C. Jaffe, Hammond, IN; Shannon Gross, Indianapolis, IN; Dianna Bennington, Muncie, IN; Chris E. Novak, Indianapolis, IN; Lindsay Johnson, Chesterton, IN; Greg Martin, Indianapolis, IN; Lauren Fischer, Chicago, IL; Kimberly Daily, Sellersburg, IN; Laura Lux-Thompson, Uniondale, IN; Mary Ellis, Bloomington, IN; Jamie Marks, Grabill, IN; Joan Corder, Yorktown, IN; Patricia Crouch, Gosport, IN; Deborah McNew, Camby, IN; Shannon Abbott, Indianapolis, IN; Fred Schmid, Greenwood, IN; Karen Guthrie, Terre Haute, IN; Liz Terveer, Craigville, IN; Sarah Dragomer, Munster, IN; Lisa Cardona, Noblesville, IN; Cherie Vogel, Hobart, IN; Meg Gaffney, Indianapolis, IN; Rebecca Lewis, South Bend, IN; Rebecca Porter, Speedway, IN; Wendy cooper, Carmel, IN; Deb workman, Rising Sun, IN; Abby Croft, Indianapolis, IN; Rhonda Weinzapfel, Indianapolis, IN; Mary stein, Portage, IN; Philip Williams, Indianapolis, IN; Susan Wathen, Lanesville, IN; Cherie Pollard, Griffith, IN; Kerry Helfner, Danville, IN; Dennis Daniel, Schererville, IN; Cherie Ticknor, North Vernon, IN; Lori Wolgamood, Bristol, IN; Trista Bianter, Lewistown, IL; Margo Barrick, Muncie, IN; Maddie Wweany, Rochester, IN; Michael Clark, Indianapolis, IN; Ann Justice, Bloomington, IN; Diana Arnold, Greensburg, IN; Brittney Dyer, Bloomington, IN; Sandy Turmail, Munster, IN; Melissa Simmons, Bloomington, IN; Susan Sinkiewicz, Valparaiso, IN; Jason Arons, Fort Wayne, IN; Mitch DeBoer, Indianapolis, IN; Lynn Gray, Albion, IN; Tiffany Downing, Ingalls, IN; Terri Dye, Shoals, IN; Marcia Nix, Fort Wayne, IN; Carol McNally, West Lafayette, IN; R.E. Overstreet, Indianapolis, IN; Janet Hollis, Zionsville, IN; Pamela Flick, Chesterton, IN; Julie Barnhill, Lanesville, IN; Amy Zigovits, Indianapolis, IN; Joseph Gibson, Fort Wayne, IN; Lisa Bunge, Michigan city, IN; Gerald Rust, Troy, IN; Kim Vanderwilt, Indianapolis, IN; Belinda Imel, Martinsville, IN; Mary Ellen Lewis, Whiting, IN; Janis Miller, Winamac, IN; Shirley McGhee,

Lawrenceburg, IN; Clara M. Beeler, Logansport, IN; Julie Frazier, Greenwood, IN; Sue Reed, Indianapolis, IN; Laurie Thomas, Anderson, IN; Michele Heck, New Castle, IN; Laura Vandegrift, Indianapolis, IN; Angie Lundy, Indianapolis, IN; Jennifer Hatchett, Vevay, IN; Stephanie Hayes, Indianapolis, IN; Sarah Carter, Evansville, IN; Karen Gray, Plainfield, IN; David Caldwell, Indianapolis, IN; Eric Stewart, Indianapolis, IN; Becky Lindsey, Indianapolis, IN; Jan Hinkle, Kokomo, IN; Brenda Ricker, Evansville, IN; Ann Barnhart, Richmond, IN; Candice Sexton, Chesterton, IN; Jessica Stevens, Indianapolis, IN; Amy Loop, Bloomington, IN; Sarah Ellis, Bloomington, IN; Johanna Quinn, Osceola, IN; Donna Schiller, Michigan City, IN; John Mileusnic, Schererville, IN; Kelsey Lechner, Fort Wayne, IN; Shirley Engbrecht, Anderson, IN; Nancy Allen, Lafayette, IN; K.M. McBride, Indianapolis, IN; Joseph Wenzel, West Lafayette, IN; Tracy Dugan Boone, Lawrenceburg, IN; Betsy Ridge, Zionsville, IN; Beth Laurer, Crawfordsville, IN; Connie Isaac, Evansville, IN; Julie Koch, Indianapolis, IN; Glen Flaningham, Indianapolis, IN; Connie Delk, Indianapolis, IN; Jennifer Dube, Avon, IN; Richard Blessing, Elkhart, IN; bob Reid, Fulton, IN; Scott Carmichael, Bloomington, IN; Catherine Leep, Elizabeth, IN; Connie Szawara, La Porte, IN; Thomas Hoover, Fishers, IN; Debbie Franklin, Louisville, KY; Cynthia Thornton, Portage, IN; Lisa D. Stone, Gary, IN; Martha Clancy, Carmel, IN; Pamela Palmateer, Merrillville, IN; Dan Lauer, Fort Wayne, IN; Michael Heath, Indianapolis, IN; Pam Dake, Indianapolis, IN; Michele Morris, Fort Wayne, IN; Portia Elliott, Indianapolis, IN; Linda Bain, Monticello, IN; Michelle Saliaris, Crown Point, IN; Debbie Fray, Valparaiso, IN; Glenn Berry, Lowell, IN; Emilie Beard, Fort Wayne, IN; Camila Fockink, Campo Bom, IN; Randy Thompson, Cedar Grove, IN; Cheri Shaffstall, Brownsburg, IN; Debbie Abel, St. John, IN; Cathy Bomberger, Schererville, IN; Nancy Klinge, French Lick, IN; Orphie Street, Elwood, IN; Julie DeVille, Fort Wayne, IN; Jennifer Kaiser, Jeffersonville, IN; Jason Wilbanks, Indianapolis, IN; Sue Mohler, Anderson, IN; C. A. Buker, Fort Wayne, IN; Lindsay Bentz, West Lafayette, IN; Judith E Taylor, Clarksville, IN; Lacy Gibson, Goshen, IN; Michael Foster, Rochester, IN; Sharon A Janson, Otisco, IN; Jennifer Miller, Lake Station, IN; Cindy Bendush, Fishers, IN; MJ Rice, Elkhart, IN; Patricia Chang, Indianapolis, IN; Nick Holzinger, Indianapolis, IN; Stacy Higgins, Bloomington, IN; Sherry Eaton, Vincennes, IN; Vicky Tisdial, Carmel, IN; Lois Barbick, Schererville, IN; Robert Everhart, Terre Haute, IN; Rock Jones, Plymouth, Tammy Whitney, Modoc, IN; Sirpa Tuominen, Vantaa, IN; , Charlesworth, Attica, IN; Darlene Ingram, New Albany, IN; Lisa Flatt, Angola, IN; Mary Clinton, Elizabeth, IN; Stephanie McKay, Terre Haute, IN; Kevin McKinney, Indianapolis, IN; D. Kielbasa, Indianapolis, IN; Deb Conner, Tennyson, IN; Dee M Landers, Indianapolis, IN; Jack Acton, Fort Wayne, IN; Mary Valerie Stro, Auburn, IN; A Hays, Indianapolis, IN; Carrie Lawrence, Bloomington, IN; S. Scott, Bloomington, IN; Benjamin Russ, Walton, IN; Goldie Anderson, Dillsboro, IN; Gerald Newman, Valparaiso, IN; Krista Pratt, Indianapolis, IN; Julie Rizzo, Saint John, IN; Nancy Thompson, Hammond, IN; Namita Goswami, Terre Haute, IN; Gretchen Munson, Indianapolis, IN; Brendan Corcoran, Terre Haute, IN; Shelly Scott, Bloomington, IN; Laura Cunningham, Anderson, IN; Barbara Bell, Mooresville, IN; Sharon Lakey, Indianapolis, IN; Erika Daugherty, Carmel, IN; Kathleen Mangold, Terre Haute, IN; Elizabeth Terveer, Ft. Wayne, IN; Karleigh Koster, Brooklyn, NY; Kisha Jennings, Centerville, IN; Stacie Hurtle, Carmel, IN; Cynthia Hodge, Evansville, IN; Mark Williams, Evansville, IN; Krista Gremos, Indianapolis, IN; Jen Powers, Crown Point, IN; Barbara Larson, Crown Point, IN; Kay Fielding, Indianapolis, IN; Pam Oswalt, Marion, IN; Lisa Pelo-McNiece, Clayton, IN; Udit Minocha, Lafayette, IN; Brian Rosian, Hammond, IN; Michelle Ware, Mishawaka, IN; Ryan McDonald, Nappanee, IN; Leslie Ticknor, North Vernon, IN; Shelly Hubbar, Indianapolis, IN; Angela Gioe, Martinsville, IN; Andrea Maddox, Indianapolis, IN; Kyle Ullman, Indianapolis, IN; Karen M Tedder, Fishers, IN; T Conley, Fishers, IN; Coleen Roten, Martinsville, IN; Sara Breining, Whiteland, IN; Jennifer Bryant, San Pierre, IN; Jackie Grohnke, Westfield, IN; Lisa Holt, Indianapolis, IN; Dawn McClanahan, Indianapolis, IN; Naida Hamilton, Indianapolis, IN; Shelley Regina, South Bend, IN; Darwin Rys, Greensburg, IN; Mark K. Oldstrom, Ellettsville, IN; Iris Carr, Bloomington, IN; Trey Teague, Bloomington, IN; Caroline Houppert, Bloomington, IN; Brenda Oldstrom, Ellettsville, IN; Gary Dietmeyer, Carmel, IN; April Markul, Schererville, IN; Cheryl Arnold, Brownsburg, IN; Ruthanne Wolfe, New Albany, IN; Jane Witlock, Westfield, IN; Nancy Palmquist, Jeffersonville, IN; Sue Hall, Richmond, IN; Sandra Heishman, New Albany, IN; Carol Schlotterbeck, Kokomo, IN; Alice Shortridge, Camby, IN; Julia Badskey, North Manchester, IN; Tara Hengartner, New Albany, IN; Lynnette Bower, Mishawaka, IN; Doris Armstrong, Indianapolis, IN; Beth Baade-Hicks, Bloomington, IN; Laura Bierly, Salem, IN; Shaunna M. Graf, Jeffersonville, IN; Jean Moore, Greenwood, IN; Phyllis Price, Indianapolis, IN; Wendy Mudis, Indianapolis, IN; Mark Imel, Martinsville, IN; Jane Tillison, Rushville, IN; Barbara Timm, Reelsville, IN; Laurie Schmidt, Granger, IN; Joseph E. Vargo, Porter, IN; Cheryl Powell, Lake Station, IN; Darrell House, Wilkinson, IN; Glenn Herold, Clarksville, IN; Susan Richards,

Dyer, IN; Mandy Carothers, Charleston, SC; Jodi Parks, Avon, IN; Judy Barad, Terre Haute, IN; Sandra Mertens, Charlestown, IN; CG Schroder, New Albany, IN; Pat Winchester, Fishers, IN; Gary Moore, Shelbyville, IN; Susan Eleuterio, Highland, IN; Fran Flannery, Fishers, IN; Rachel Bakker, Griffith, IN; Marisa McKim, Corydon, IN; Steve Seid, Bloomington, IN; Elaine Sorensen, Evanston, IN; Carolyn Carter, Evansville, IN; Susan Smith, Jeffersonville, IN; Kathy Wood, Indianapolis, IN; Thomas Willette, Greencastle, IN; Mary DeWitt, Notre Dame, IN; Sophia Dalle Rubinstein, New York, NY; Kathy Colbert, South Bend, IN; Kathi McMahon, Fort Wayne, IN; Julie Russell, Indianapolis, IN; Audrey Timm, Reelsville, IN; Herta Dunah, West Harrison, IN; Suzie Gordon, Claremont, NH; Karen Galligan, Greenville, IN; Brad Holmes, Indianapolis, IN; Jo Zickmund, Clayton, IN; Roger Nehring, Kalamazoo, MI; Nancy Glaviano, Plain City, UT; Kim Vanderwilt, Indianapolis, IN; Heather Leughmyer, Columbia City, IN; Marsha Stearley, New Albany, IN; Erin Peffley, Franklin, IN; Deb Christensen, Manteno, IL; Jeni Christensen, Manteno, IL; Michelle Wilson-Walke, Indianapolis, IN; Karen Cohn, Fishers, IN; April Smith, Arcadia, IN; Ronda Ferguson, Columbus, IN; Pamela Gibson, Elkhart, IN; Nancy Casey, Highland, IN; Liz Vermeulen, Muncie, IN; Kristina Malast-Alvarez, Hobart, IN; Sharon Martin, Rising Sun, IN; Betty M. Parker, Hartford City, IN; Mark Bousquet, Lafayette, IN; Jim Wright, Terre Haute, IN; Colleen Monson, Dyer, IN; Angel Fugate, Hammond, IN; Brian Kustes, Louisville, KY; Jennifer Richter, Avon, IN; Peggy Apple, Indianapolis, IN; Dustin Brady, Richmond, IN; Deni Hall, Flora, IN; Ellen Bayer, Lafayette, IN; Jeni Christoffersen, Indianapolis, IN; Angie Garritson, Goshen, IN; Susan Brown, Rising Sun, IN; June D. Miller, LaGrange, IN; Sherry Martin, Richmond, IN; Stacia Nagy, South Bend, IN; Sheila Fawcett, Evansville, IN; Carmen Hurst, Lafayette, IN; Nancy Stillions, Porter, IN; Stacy Hammond, Sullivan, IN; Heather Dean, Frankfort, IN;

Thank you for considering restricting the sale of live coyotes across state lines. But a partial-year ban is not enough. Please make the humane choice of passing a year-round rule against exporting coyotes to other states so that they may be chased by hunting dogs within a pen. These animals meet an inhumane end when they are ripped apart by the dog pack. If a ban makes sense for part of the year, then it makes sense for the entire year! Additionally, the disease threat caused by shipping live, wild animals around is great. We owe it to our neighboring states to not expose their wildlife to diseases against which they have had no exposure. There are plenty of ways to train hunting dogs without subjecting coyotes to the cruel stress and pain of hunting pens.

ALONG WITH THE ABOVE COMMENT, THE FOLLOWING PERSONS ALSO FILED THE FOLLOWING:

Adrianne Eagle, Munster, IN

One other consideration: How do we teach our children to value life when we allow this type of practice? I believe there is a direct link between cruelty to animals and cruelty to humans. How do we teach children not to kill each other when we allow this type of behavior? The sport of hunting when the animal is at least given a sporting chance is one thing and blood lust is another.

Patrick Smith, Bloomington, IN

Too, how can this be much different from dog fights which in addition to being illegal, simply promote brutality and inhumane treatment of living creatures. All for the entertainment of fat-cat, lazy hunters, who, if life were truly fair, would be treated in the same manner. Aside from pure inhumanity, this promotes the spread of disease from area to area, state to state. And unfortunately, those partaking in this activity are the ones infected. Each state as well as the jobs of DNR workers are faced with enough problems without allowing barbaric practices brought to us by the ignorant and uncaring. There are plenty of ways to train hunting dogs without subjecting coyotes to the cruel stress and pain of wildlife pens. I hope you will quickly and strongly ban such practices.

Dennis Gaither, Bristol, IN

The days when trapping was a necessity for people to survive is long gone and to trap our wildlife to be used in a cruel and inhumane blood-sport is just that! Cruel and inhumane!

Mary Ellen Lewis, Whiting, IN

Every life on this planet deserves respect and should be treated accordingly. This is inhumane and disgusts me.

Orphie Street, Elwood, IN

I live in the country, where wildlife is abundant. I cannot imagine waking up and not being able to see the coyotes and occasional fox every day. I also cannot imagine the sheer terror these animals go through and the pain they feel before being ripped apart by a pack of domestic dogs. In my eyes, this is as bad as fighting Pit Bulls, or roosters. It's sickening and it should be banned. Is this letter really going to help? I sincerely hope so. Please do the right thing by these animals.

C. A. Buker, Fort Wayne, IN

Oh my god! How can you think stopping this part of the year makes it any less heinous!!! Canned deer hunts, selling wildlife to allow dogs to corner and kill them!! What unevolved, inhuman monsters are running Indiana's government agencies?

Namita Goswami, Terre Haute, IN

Penning is a disgraceful "sport" and is contrary to the efforts we must make to change our relationship to nature and other species and thus ourselves if we are to combat climate change in any real or meaningful sense. Please ask yourself if watching a helpless animal without a fair and natural fight being torn to pieces alive is a value we as a society should be promoting. Would you honestly want your children to be friends with someone who finds this "fun"? It is 2008. The state of Indiana stands for compassion and not horrific cruelty.

Beth Baade-Hicks, Bloomington, IN

Thank GOD for the HSUS, without whom these atrocities would never come to light. Please be a reasonable human being!

Shaunna M. Graf, Jeffersonville, IN

Keeping natural predators in our state will prevent the populations of skunks, opossums and other prey animals from getting out of control.

Phyllis Price, Indianapolis, IN

What a barbaric thing to do to any living creature. It makes me ashamed that I live in Indiana. We must pass a year-round rule against exporting coyotes to other states so that they make be chased by dogs in a pen and then torn apart by the dogs.

Erin Peffley, Franklin, IN

In this horrible practice, coyotes that have been trapped in Indiana are put in wildlife pens, to be chased continually by packs of dogs until they collapse from exhaustion, at which time they are mauled to death by the dogs as they fight for the coyotes' flesh. I cannot bear the thought of this, and beg that you will permanently ban the practice of selling any of our wildlife across state lines.

Nancy Stillions, Porter, IN

How anyone with a conscience could allow such action to take place is beyond belief. I only wish that hunting as such were banned, but short of that, THIS MUST STOP!

* * * * *

Jodie Coomer, Columbus, IN

I strongly urge the Natural Resources Commission to pass a full ban on selling live coyotes across state lines. A partial-year ban is not enough. Stopping live sales permanently is the only humane choice. Indiana's wildlife belongs to all the people of Indiana, and as a resident of this state I do not want our wildlife to be used in a cruel and inhumane blood-sport. Nor, do I want my young son to grow up in a community and state that feels that this practice is acceptable when it isn't! How can I teach my young son to respect wildlife and his community when I have no respect for their practices and am appalled by what they allow people to do to our wildlife? Coyotes that are trapped in Indiana and sold to hunting pens

outside the state are barely kept alive and are chased continually by hunting dogs. Additionally, studies have proven that conditions inside hunting pens easily lead to the spread of wildlife diseases.

Rebecca Aurand, Fort Wayne, IN

Thank you for considering restricting the sale of live coyotes across state lines. But a partial-year ban is not enough. Please make the humane choice of passing a year-round rule against exporting coyotes to other states so that they may be chased by hunting dogs within a pen. These animals meet an inhumane end when they are ripped apart by the dog pack. If a ban makes sense for part of the year, then it makes sense for the entire year. There are plenty of ways to train hunting dogs without subjecting coyotes to the cruel stress and pain of hunting pens. If we ban dog fighting, how is it possible that we allow this to continue?

John Rodenbarger, Brookston, IN

... I cannot help but feel that a "culture" that would enjoy this kind of "sport" is not that far from having a wanton disregard for human life as well, especially if that life is of different color or speaks with an accent. In other words, I would not want to be in the same room with the kind of ignorant redneck in-bred that would get his jollies from this disgusting practice. The sales of Indiana's wildlife for this blood-sport should be banned for humane reasons alone.

J. Hubbell, Lafayette, IN

I strongly urge the Natural Resources Commission to pass a full ban on selling live coyotes across state lines. I can't imagine what it must be like to be one of these animals. How horrible. If you had to trade places with just one of them, I doubt you would think it was okay to be caught, tortured, and then killed this way. A partial-year ban is not enough. Stopping live sales permanently is the only humane choice. Indiana's wildlife belongs to all the people of Indiana, and as a resident of this state I do not want our wildlife to be used in a cruel and inhumane blood-sport. Coyotes that are trapped in Indiana and sold to hunting pens outside the state are barely kept alive and are chased continually by hunting dogs. Additionally, studies have proven that conditions inside hunting pens easily lead to the spread of wildlife diseases. Thank you for your consideration of this important issue. We are all creatures on the same earth.

Debbie Wilson, Edinburgh, IN

We owe it to our neighboring states to not expose their wildlife to diseases against which they have had no exposure. There are plenty of ways to train hunting dogs without subjecting coyotes to the cruel stress and pain of hunting pens. What on Earth is this world coming to? Where is simple humane logic? It's up to you to take a stand now - stop this craziness, just in the name of pure, basic, and humane common sense. All animals have a personality but more importantly a beating heart. They feel, they experience, and they cannot defend themselves. Isn't it about time to say enough is enough?

Dean Zimmerman, West Point, IN

It is my understanding that the Dept. of Natural Resources and possibly the legislature, is considering implementation of laws or rules that would govern the live taking of furbearers. It is my strong belief that the intent of trapping laws and licenses is for taking furbearing animals, then killing them, and selling their fur. I do not believe trappers should be allowed to take animals caught alive, and sell them for use in sport chases, dog running, fighting contests, urine collection, etc. In the first place, I have a concern about the humaneness of such activities. Secondly, I am very concerned about the transfer of diseases and parasites from Indiana to other parts of the US. I am also concerned about live animals brought into Indiana as well, including deer and the potential spread of Chronic Wasting Disease. Lastly, the wildlife resources of this state belong to the people. I don't believe an individual should profit from a resource that belongs to all of us. The exception is, traditional trapping of animals for fur. I strongly support the opportunity for people to trap for fur. Some furbearer populations (raccoons) are high and need to be controlled through trapping.

Debbie Hubbard, Indianapolis, IN

...As our agents for protecting and managing the wildlife and natural resources of our state, I urge you to pass a YEAR-ROUND an on selling live trapped coyotes across state lines. If there is an overabundance of coyotes in our state, it should be managed HUMANELY, not through measures which allow torture and suffering for ANY animal. I will be watching your decision.

J. Magyar, Greencastle, IN

Thank you for considering restricting the sale of live coyotes across state lines. But a partial-year ban is not enough. If I understand this correctly, the practice of using trapped coyotes as live bait is currently permissible during the entire year but the proposal is to reduce it to one half year. The issue is what kind of ethics does public policy support and what kind of citizenry does it want to promote? For that reason, I urge you to ban this practice altogether, all year long. Didn't the outcry over the Michael Vick debacle tell public officials anything? Aren't there better ways to earn a living? Is this the best Indiana can do? I don't want to learn about still more practices that Indiana should find embarrassing. Please stop this.

Peter Oleson, Craigville, IN

...Should the State decide that hunting of coyotes is appropriate, that is one thing. Should they let people make money by selling them to others for use in some kind of sadistic pleasure that is certainly something else? I find it disgusting that my state would even consider such a thing

Mark Bousquet, Lafayette, IN

I strongly urge the Natural Resources Commission to pass a full ban on selling live coyotes across state lines. I'm all for legalized, real hunting, but this hunting in pens nonsense has got to stop. If you want to hunt, be a man (or woman) and go out into the wilderness and hunt. But going to what amounts to a closed room isn't hunting, it's slaughter.

Juanita Carrender, Anderson, IN

Thank you for considering restricting the sale of live coyotes across state lines. But a partial-year ban is not enough. This is so inhumane, if a football player can be removed from a team for using fighting dogs this has to stop as well. How can people mistreat animals this way be they wild or domestic. I love wildlife and the wolves and coyotes are such an important part of our wild life. I pray that you will Please, Please make the humane choice of passing a year-round rule against exporting coyotes to other states so that they may be chased by hunting dogs within a pen. I had an awful experience of having my little Lasha dog used for coon hunting training in southern Indiana unbeknown to me. I thought this family wanted to give my dog a good home and when I found out I went to get him and he was already gone. I only imagine the awful pain he went through, the same awful pain these coyotes are going through. These animals meet an inhumane end when they are ripped apart by the dog pack. If a ban makes sense for part of the year, then it makes sense for the entire year. Additionally, the disease threat caused by shipping live, wild animals around is great. We owe it to our neighboring states to not expose their wildlife to diseases against which they have had no exposure. There are plenty of ways to train hunting dogs without subjecting coyotes to the cruel stress and pain of hunting pens.

Jackie Ahlborn, Indianapolis, IN

I strongly urge the Natural Resources Commission to pass a full ban on selling live coyotes across state lines. A partial-year ban is not enough. Stopping live sales permanently is the only humane choice. Indiana's wildlife belongs to all the people of Indiana, and as a resident of this state I do not want our wildlife to be used in a cruel and inhumane blood-sport. Coyotes that are trapped in Indiana and sold to hunting pens outside the state are barely kept alive and are chased continually by hunting dogs. Additionally, studies have proven that conditions inside hunting pens easily lead to the spread of wildlife diseases. But most importantly, there is nothing "sporting" about an activity in which the hunter is incapable of losing. This is not a challenge, this is not hunting, and it is a shamefully despicable form of entertainment. And to provide the quarry for these activities in the form of these live coyotes is the same as participating. Indiana should be thoroughly ashamed. The only reasonable action for the DNR to take is to completely disallow the practice. Thank you for your consideration of this important issue.

Rocky Robinson, Louisville, KY

What is wrong with this country? How about this, put prisoners in hunting pens and fight pits and let them get torn to shreds or killed while we watch on television? I bet that would deter some criminals and leave the animals alone.

Beth Eggleston, Columbus, OH

I think it is shameful that IN would allow coyotes and other trapped wildlife for use as bait. I DO NOT approve of trappers selling live animals!

Mary Valerie Stroh, Auburn, IN

This is no better than dog fighting and those that train in this manner should be prosecuted.

Jill Clodfelter-Mason, Fort Wayne, IN

I strongly urge the Natural Resources Commission to pass a full ban on selling live coyotes across state lines. I am shocked that a full ban does not exist. Stopping live sales permanently is the only humane choice. In my opinion, God created every animal in this world. Let's respect God's creations. Indiana's wildlife belongs to all the people of Indiana, and as a resident of this state I do not want our wildlife to be used in a cruel and inhumane blood-sport. Coyotes that are trapped in Indiana and sold to hunting pens outside the state are barely kept alive and are chased continually by hunting dogs. Additionally, studies have proven that conditions inside hunting pens easily lead to the spread of wildlife diseases.

Marti Lindell, Noblesville, IN

Why would this be an acceptable practice, except for greed and profit...this is not what God intended for these magnificent creatures? Please do not allow coyotes to be sold for pleasure killing.

Sharon Pugh, Bloomington, IN

Thank you for considering restricting the sale of live coyotes across state lines. But a partial-year ban is not enough. I was horrified to learn that this cruel practice is being carried out. It must be stopped. All so called sports that utilize animals for fighting, maiming and killing are unacceptable. Perpetrators should be convicted and punished, but the least we can do is refrain from supplying victims for this sick "entertainment." Please make the humane choice of passing a year-round rule against exporting coyotes to other states so that they may be chased by hunting dogs within a pen. These animals meet an inhumane end when they are ripped apart by the dog pack. If a ban makes sense for part of the year, then it makes sense for the entire year. Additionally, the disease threat caused by shipping live, wild animals around is great. We owe it to our neighboring states to not expose their wildlife to diseases against which they have had no exposure. There are plenty of ways to train hunting dogs without subjecting coyotes to the cruel stress and pain of hunting pens.

Janice Hallahan, Hebron, IN

This practice of using coyotes to train hunting dogs is just a variation of the blood sport of dog fighting. Only in this scenario the coyote NEVER gets a reprieve. As an enlightened society, setting one animal on another is vicious and cruel. There must certainly be non-lethal training methods such as the mechanical rabbits used in greyhound races.

Ed Stevens, Hamilton, IN

There should be no prohibition of selling live coyotes taken at the request of landowners, Coyotes create havoc with small game populations and should be controlled by the best means possible. Eliminating "live market" sales for ADC trappers effectively limits another opportunity for controlling a burgeoning coyote population.

Janet Hollis, Zionsville, IN

Thank you for considering restricting the sale of live coyotes across state lines. But a partial-year ban is not enough. Please do not allow the exportation of coyotes to other states so that they may be chased by hunting dogs within a pen. This is extremely inhumane and totally unsportsmanlike. It should not be allowed at any time! We cannot control what other states allow, but we can refuse to take part in it and actually contribute to it by allowing the exportation of coyotes or any animals for this purpose. There is also a chance that some disease may be transmitted to the other state through this practice. This is a danger to humans and to their wildlife. Please work to ensure that no wildlife from Indiana is ever sold or transported across state lines for this cruel practice.

Kim Nofi, Athens, GA

People have enough sport with duck, deer and whatever else they want to kill. It is not fair to trap and animal and take it out of its own element and use it as a sport to kill. People are cruel to each other and innocent animals. Leave them alone.

Julie Delano, Crestline, CA

I volunteer for Wildhaven which is an organization in the San Bernardino Mountains of southern California that rehabilitates wildlife native to our area. We also have educational animals that are permanent residents because they would not be able to survive in the wild because of the severity of their injuries. Just the thought of your allowing people to trap and sell coyotes to people who kill them for sport is appalling! I do not and cannot accept this as any kind of humane practice. I do not live in your state but will forward this email and the information to P.E.T.A. and my other friends who support wildlife and will advise them to never go to, through or near Indiana. This is unethical and inhumane.

Terri Phillips, Valparaiso, IN

I am opposed to selling Indiana wildlife as live bait to be used to train animals to hunt. Many times the animals are trapped in an enclosed fenced area with no chance for an escape. They have no chance. We are a civilized society and should not be doing this. Is it any different than dog fighting? It pits animal against animal, except it is worse. It pits one animal such as a coyote, rabbit, or fox, against a gang of animals to be ripped apart, this should not be allowed to continue.

Billie Maquet, Pekin, IL

I must weigh in on this horrendous idea. Why would this be any different than dog fighting/baiting? It is the same principal...2 animals trying to kill each other for sport. SHAME on you for even considering making this a legal sport. Mammals are mammals the world over and we are mammals as well. What will be next? Allowing dogs to run down children? Please, I beg you, STOP the killing before it begins. You know it will escalate into a "paid" sport just as dog fighting has.

Zelda Penzel, President, PEACE~ People for the End of Animal Cruelty and Exploitation, New York, NY

It has come to the attention of the public at large that the Indiana Natural Resource Commission is considering recommending the legalization of the sale of coyotes and other trapped wildlife as bait for dog runners and that some of the Natural Resource Study members have already told wildlife sellers that they approve of this "sport." This would undoubtedly be a windfall for trappers but a tragedy for wildlife and all those who fight for the preservation of our fragile ecosystem.

Concerned citizens everywhere are outraged and appalled that in this day and age, such a grotesque form of "amusement", one in which a trapped animal is ripped to shreds by pursuing dogs, would be considered a worthwhile pastime. What are they thinking? Surely, only the most perverted individuals, or those totally lacking in compassion and empathy for other living creatures, could engage in such cruel exploitation of animals and take pleasure in the senseless gore and bloodshed resulting from the pursuit by dogs, so many of which ultimately wind up in shelters, where they are eventually killed, as well.

Have we learned nothing from all the horrific killings of innocent people by disaffected youngsters who let out their rage on those who cannot defend themselves? Most of them practiced on innocent animals before they targeted people. What would the Indiana legislature be saying to its citizens if it pandered to the lowest element in society by giving its "stamp of approval" and legalizing such a heinous and reprehensible activity? The public has already let its voice and opinion be heard on issues like dog-fighting, another "sport" of the ignorant and insensitive, in which innocent animals are the victims. We are now letting you know how we feel about an equally hideous "sport".

Please do not allow such an activity to gain any approbation or support in the Legislature; to do so would bring shame to all of Indiana.

Susan Saint-Lockhart, Georgetown, IN

Please support a year-round ban on selling live, trapped coyotes across state lines for use in hunting pens. Indiana prohibits hunting pens, and likewise our wildlife should not be sold to hunting pens in other states. The cruelty the wild coyotes experience in hunting pens is not unlike that of hog-dogging in the South: The pursued animals cannot escape the hunting dogs and are ultimately torn to shreds by the pack. The sales of Indiana's wildlife for this blood-sport should be banned for humane reasons alone. Why would anyone want to see this type of cruelty put upon any animal? Blood sports of this kind only show how cruel our human

race can be to other animals. This type of cruel, uncaring treatment of the coyotes must be stopped. I just can't believe this type of unimaginable treatment actually goes on in our so called civilized world. What type of "beast" would want to watch something like this? Isn't dog-fighting now illegal? Aren't people sent to jail for this type of inhumane treatment of animals? Let's try to live up to our better character and outlaw this practice altogether and sooner than later! Thank you!

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THE FOLLOWING PERSONS FILED THE SAME OR SIMILAR COMMENTS:

Y.D. Jordan Montclair, NJ; Nick Scholtes, Minneapolis, MN; Dr. & Mrs. Donald and Melanie Blake, Houston, TX ; Shannon York, CA; Anni Mackin, Portland, OR; Lisa Koehl, Brooklyn, CT; Marian Hussenbux, Wirral, Great Britain; Betty Jean Herner, Strongsville, Ohio; Liza McAlister, SC; Fabienne Roudaire, France; Nicole Verbist, Belgium; Emily Franklin, KS; Melody Gros, Pelissanne, France; Chantal Buslot, Belgium (EU); Nicole Gros, Pelissanne, France; Kelly Jo Ernst, St. Louis, MN; Caroline Prout France; Diane M. Kastel, Wheaton, IL; Barbara B. Hunter, Largo, FL; Kalinke ten Hulzen, Netherlands; Jeffrey Alle, Toronto, Canada; Sharon Buazard, Rockford, IL; Anna Jacus, Linden, NJ; Christopher Gale, Chippenham, Wiltshire, England; Jacqueline Raven, New York, NY; Elisabeth Richter, Brunn, Austria; Daphne Dimitriadou, Los Angeles, CA; Wendy Borowsky, St. Louis, MO; Dottore Eloïse, France; Tina Halloran, Erie, PA; Maille Solène, France; Kimberly Eastin, Deltona, FL; Bobbie Dee Flowers, New York; Marja-Leena Pietikäinen, Finland; Diana Hartig, Oberstenfeld, Germany; Nichole House, Ft. Worth, TX; Jan Declercq, Belgium; Anouk Van Damme, Belgium; Brandin Laure, Châtillon, France; Julie Botten, London, UK; Jason Williams, Poughkeepsie, NY; Pascal Vercknocke, France; Susan Maria Gavaghan, Liverpool, England; Véronique Ciesielski, France; Mr. and Mrs. Sean O'Neil, NM; Adrienne Burgess, San Francisco, CA; Jason Williams, Poughkeepsie, NY; Sandy Lynn, St. Louis, MO; Elisabeth Karcher, France; Nuno Marques, Gaia, Portugal; Beatriz Mac Dowell, Strasbourg, France; Luca Rossetto Casel, Isaura Borsini, Claudio Rossetto Casel, Ida Carla Greco, Francesco Greco, Flavio Greco, Anna Giaccone, Angelo Giaccone, Bianca Rosa Girardi, Enrica Costa, Sant'Antonino di Susa, Torino, Italy; Virgínia Teixeira, Lisboa, Portugal; Alexander Noronha, Brazil; Lise-Lotte Norin, Sweden; Benoit Ayotte, Quebec, Canada; Maria Seehusen, Sweden; Julia Rodrigues, Belgium; Rejane Souza, Brazil; Germana Pinone, Cuneo, Italy; Claire Sefiane, England; Chantal Buslot, Belgium; Blanca Briceno, Venezuela; Belinda Blease, FL; Krishnan Kumar, Chennai India; Eva Figueiredo, Portugal; Gigliola Mingozzi, Italy; Jason Williams, Poughkeepsie, NY; Susan Maria Gavaghan, England; Sylvia Laver, Switzerland; Susana Domingues, Portugal; Francesca Vezzani, UK; . Judith E. Swain, Wales; Peter Beck, Switzerland; João Alves, Portugal; Jérémy Le Bouter, France; Richard Krauss, France; Nadine Krauss, France ; Sandrine Verchere, France; Marie-Rose Heckmann, Marseille, France; Nancy Petitjean, Belgique, Europe; Lisa Simeoni, Switzerland; Marta Voeuk, France; Corinne Erriquez, France; Philippe Tomballe, Belgium; Pascal Vercknocke, France; Amal El Bekri, Marrakech, Morocco; Jean-Frédéric Marrot, Marseille, France; Nicole Gros, Pelissanne, France; Linda Lachapelle, Canada; Stéphanie Feral, Vitrolles, France; d'Hélène Brissaud, France; Sebastien Demandre, France; Tina Warren, Scotland; Lorraine Nicotera, East Weymouth, MA; Marianne Boyer, Paris, France; Stephanie Johanna Goldbach, Berlin-Charlottenburg, Germany; Mimi Bonbon, France;

Thank you for considering public opinion about a proposed rule change that stipulates live coyotes may not be "sold, traded, bartered or gifted." I strongly urge Indiana Natural Resources Commission to permanently ban the sale of trapped wildlife as bait for dog runners. I understand present law permits commerce in live coyotes for use in training drills with "hunting" dogs. To inflict fear, mutilation, and death under the guise of "sport" is grotesque. I trust NRC will evaluate the cruelty inherent in live-bait dog training, rather than base its decision on hunting revenue. I support NRC's rule change and an end to this repugnant practice.

ALONG WITH THE ABOVE COMMENT, THE FOLLOWING PERSONS ALSO FILED THE FOLLOWING:

Y.D. Jordan Montclair, NJ

I trust NRC will evaluate the cruelty inherent in live-bait dog training, rather than base its decision on hunting revenue. I support NRC's rule change and an end to this repugnant practice.

Dr. & Mrs. Donald and Melanie Blake, Houston, TX

We trust NRC will evaluate the cruelty inherent in live-bait dog training, rather than base its decision on hunting revenue. We support NRC's rule change and an end to this repugnant practice. We have been sickened, disgusted and horrified at what people determine as sport. In the 21 century for people to be behaving in such a cruel fashion is quite unacceptable. It is no wonder that our world is filled with such violence when humans behave in such a barbaric way. It makes us wonder how we can call ourselves civilized.

Nick Scholtes, Minneapolis, MN

This is a horrible, extremely cruel practice and I urge it to be banned immediately. I further urge that said ban be strictly enforced.

Shannon York, CA

I trust NRC will evaluate the cruelty inherent in live-bait dog training, rather than base its decision on hunting revenue. I support NRC's rule change and an end to this horrible practice.

Anni Mackin, Portland, OR

The current practice of allowing coyotes for use in training drills with hunting dogs is cruel and inhumane and has no place in the respectable sport of hunting.

Lisa Koehl, Brooklyn, CT

I sincerely hope that NRC will evaluate the cruelty inherent in live-bait dog training, rather than base its decision on hunting revenue. I support NRC's rule change and an end to this repugnant practice permanently.

Marian Hussenbux, Wirral, Great Britain

As we understand it, the present legislation permits trading in live coyotes for use in training drills with "hunting" dogs. We consider this to be wholly unacceptably cruel and ask NRC to look into the cruelty inherent in live-bait dog training.

Kalinke ten Hulzen, Netherlands

Please show compassion for the animals and take the right decision.

Tina Halloran, Erie, PA

It certainly makes Indiana look very badly.

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Marilyn Jasper, Loomis, CA

I urge the Commission to change the rules and make any use of live coyotes as bait for any activity a major criminal offense. This practice is an embarrassment to any legitimate dog trainer and is seen by the rest of the world as about as perverted as it gets. Live-bait dog training is not a legitimate or necessary means of training dogs. Please end this outrageously cruel procedure and impose penalties harsh enough to ensure deterrence.

Ronna Siegel, Van Nuys, CA

This is totally inhumane. I hope you will discontinue it immediately. I am shocked and appalled that you are allowing this practice at all.

Pamela Leverett, Pickens, SC

Please ban selling trapped wildlife for use as bait for dog training. You know how cruel, inhumane, & barbaric it is to train dogs using live bait. I beg you to do this. Please support the NRC rule change.

Laramie Coyote, Chardon, Ohio

Man effectively eradicated the wolf, paving the way for the expansion of the coyote across our country. History has shown that man's increased efforts to eradicate the coyote have been futile, resulting in greater populations. Man can live harmoniously with the coyote. Man must not allow inhumane hunting or trapping of the coyote, or any wild animal for that matter. Live bait training is inhumane. Those who participate in such activity should be subjected to similar activity. Coyotes are intelligent, beautiful creatures and are a viable part of our natural ecosystem. They control smaller "vermin" that man finds objectionable. I have raised a coyote pup under permit from ODNR. She lived in my home, with my other pets (both cats and dogs), my children. I learned much from this creature and still feel her loss. I do not advocate that the average person undertake such a venture. But I do advocate the humane treatment of all wild animals and respecting their place in our world. Man should consider that the coyote population would be far less if he had left the wolf alone. And there would be far less white tail deer. I do believe that there should be control on the transfer of ALL animals (both domestic and wild) across state lines to prevent the spread or introduction of disease. I have been to "fur farms" and find them completely detestable. The conditions that the animals are forced to live in are deplorable. I do not wear the fur of any animal, including rabbit and coyote. Fur looks best on the animals. I implore you to consider the future of the coyote so we do not have a repeat of the wolf scenario. Protect all wild animals from the senseless slaughter and sale for urine or fur. Culling is not a viable solution for the control of the coyote. History has proven that over and over with the government predation years ago. Education is wisdom. Man can live peacefully with the coyote. Please stop the sale of live coyotes. The live bait programs are inhumane.

Carol McCaffrey, Arlington, VA

I am grateful to know that you are proposing a rule change that says "coyotes may not be sold, bartered or gifted." I strongly oppose the use of animals as live bait to train dog runners. It is inhumane to intentionally inflict terror, pain and death on coyotes, or any other animals, for this purpose. Thank you for changing your rules to permanently ban the sale of wildlife as bait.

Juli Kring, Houston, TX

I am writing you today to plead with you to permanently ban the sale of trapped wildlife as bait for dog runners. I have read that the present law allows the sale of live coyotes to use in training drills with hunting dogs. I find this sick, disturbing, and completely without justification. Please base current and new policy on compassion and decency, not money or undue influence by hunters.

Dr. Renata Bartoli, Gary Kingsbury, United Kingdom

We have been reading about the proposed rule change to protect live coyotes from being sold and traded. We were very shocked to see that coyotes are being torn apart by people with 'hunting' dogs. We would like to urge the Indiana Natural Resources Commission to bring about this rule change to bring an end to this barbarity.

Jennifer Crain, Boone, IN

In regards to the killing of live animals for sport is only for people that haven't any heart. I have lived in the Boone county area for the past 28 years on a farm. We have several farm animals and have raised foals for years. We have never had any problems with the coyotes. They have come as close to our house as 12 feet. They stop look at us and keep on going. We have never bothered them and likewise. They are a truly pretty animal as well as all wildlife. I have picked up injured wildlife off of the road and have given them to wildlife rehab. And then there are people out there catching these animals feeding them and then turning around making money for the pleasure of torture to a wild animal. I feel that anyone that goes along with type of treatment to animals has not heart.

There is truly something wrong with a person that gets enjoyment or should I say making a buck out of torturing one of God's creatures. Why not just go to the animal shelters and get unwanted animals and use them as bait. Or take someone's pet and treat them in such a manner as they do the wildlife. Would you think this would be right? Don't you think these animals have feelings and pain. What a sport!!! All animals and creatures were created by God. Don't think that people won't answer for this in front of God on Judgement Day and for those that support this act. Living in the country and being around wildlife is a everyday happening one you don't take for granted. Do you know what it's like to hear the wildlife at night

with your window open or sitting around a campfire. The sounds of the coyote, small animals calling to one and another in the night time. Or in the spring watching the animals crossing a field with their young. Or looking out in yard to see rabbits with their young eating seeds. Did you know that when a coyote mates its for life until it dies. How about that! You can't even get people to stay married until death do us part.

Haven't you had a pet that has been in pain or has feared something. Couldn't you read it in the animals eyes? Do you think just because an animal is wild it doesn't have the same pain and fear? Please for the animals put an end to this terrible act.

Pamela Leverett, Easley, SC

Please support the NRC rule change to stop using live coyotes as bait for training hunting dogs. This is just outrageous that in the 21st century something like this is sanctioned. Please, please stop this terrible practice.

Carole Ellis, Los Angeles, CA

All you have to look at is the pain in the coyote's face as four beagles are ravaging him. If this is not the highest form of cruelty, I don't know what is. It is one of the most inhumane issues I have ever come across. Please don't put a black mark on Indiana by passing this proposed legislation.

Carolyn Spigel, Chevy Chase, MD

Comments: I SUPPORT THIS AMENDMENT! We need to prevent coyotes from the cruel practice of "live bait training."

Heather Liden, Indianapolis, IN

I hope that this amendment will be supported. It is very important to ensure that coyotes (or any other animals for that matter) are not being used in the highly unethical practice of 'live bait training' and I think this amendment will work towards that end. However, I do think it is a bit cruel that coyotes taken outside the trapping season must be euthanized within 24 hours. Why could they not be relocated to a designated area that would be more suitable for them or something of that sort?

Michelle Hache, New York, NY

I find this to be appalling and astoundingly inhumane. The thought of coyotes being used as "live bait" for out-of-state dog training is absolutely disgusting, and I can't believe that this sort of idea is even being considered in the first place. I thought that, as a society, we had moved beyond this barbaric way of thinking of animals. What does this say about your state? Think about the message this would send the rest of the country.

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THE FOLLOWING PERSONS FILED THE SAME OR SIMILAR COMMENTS:

Mary Testagrossa, Naalehu, HI; Holly Holtrop, Orange Park, FL; Diane Peluso, Rockville, MD; Maria Scaglione, Trenton, NJ; Carol Collins, Dover, DE; Shari Wosk, Fort Lauderdale, FL; Jennifer Valentine, Massapequa, NY; Barbara Menkes, New York, NY; Kimberly Packer, Bloomington, IN; Cynthia Roberson, Dallas, TX; Marjorie Cunningham, Monmouth County, NJ; Cynthia Nord, Indianapolis, IN; Elizabeth C. Schuch, Westchester, IL; Franklin Eventoff, Bow, WA; Lynne Levine, Franklin Square, NY; Katherine Lopez Odell, Lansdowne, PA; Meri Chokrevski Whitestone, Queens, NY; Clara Beeler, Logansport, IN; A.E. White, Seattle, WA (PETA/Born Free Animal Protection Institute); Kristen Osman, Upland, CA; Ellen Stauffer, Bloomington, IN; Diane Kastel, Wheaton, IL; Gene Ulmer, Fort Bragg, CA; Erika Boka, Lafayette, IN; Judith Pittman, Austin, TX; Toni Siegrist, Cambridge, MA;

I support the proposal (LSA#07-749) that will prevent Indiana's coyotes from being used as live bait. In addition to preventing the cruelty that is inherently a part of using coyotes as live bait, this proposal will help to decrease the threat of disease outbreak among wildlife in Indiana and between states. It will also help eliminate incentive for trappers to place de facto bounties on the heads of live coyotes.

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Nadya Rossi, San Diego, CA

I urge you not to use coyotes as "live bait." I cannot imagine anything more inhumane and brutal. It reminds me of Michael Vick. Please prayerfully reconsider this terrible plan.

Patricia Davis Chang, Indianapolis, IN

The use of coyotes for "live bait training" is deplorable and barbaric. This practice must stop. Coyotes are part of a healthy ecosystem. They are very shy creatures and are afraid of humans. They mainly feed on rodents. They should not be caused needless suffering.

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THE FOLLOWING PERSONS FILED THE SAME OR SIMILAR COMMENTS:

Arnold Shecter, Los Angeles, CA; Anita Kuhn, Los Angeles, CA; Karen Goldberg, Ventura, CA; Bobi Harberson, Los Angeles, CA; Ernest Kuhn, Ventura, CA; Robert Davis, Bloomington, IN;

I support the proposal (LSA#07-749) that will prevent Indiana's coyotes from being used as "live bait". This is so cruel, and must be stopped!

* * * * *

Kathleen Tewksbury, Lackawanna, NY

Please use common sense!! Dogs are very adept at doing their own hunting. They don't need a live animal to teach them. Isn't it dangerous to transport animals any way? You may be transporting diseases.

Marla Powers, Maroa Macon, IL

Comments: It is indeed a shame that one has to vote for an amendment that gives permission to euthanize any coyote caught, but it is far less abhorrent than allowing them to be used as live bait. How can man think of the cruelties they come up with and still think of themselves as humane.

Cinda Black, Indianapolis, IN

I strongly support this proposal. No animal should ever be used as "live bait". It's beyond cruel, and absolutely unnecessary. Please do what you can to pass this proposal.

Laura Lux-Thompson, Uniondale, IN

I don't think coyotes should be killed at all, these are an important part of the ecology. But at the very least we should pass the proposed amendment... Stop the unjust killing of sentient beings

Eric Hoogeveen, Highland, IN

These animals need protection. I am in favor of this legislation.

Holly Holtrop, Orange Park, FL

I just have one thing to say to oppose this amendment. When are we going to stop the slaughter of innocent animals? These animals that you are allowing to be slaughtered are natural predators to the rodents that have started to overrun our cities and towns. To think we still live in a time when it is not considered barbaric to slaughter foxes and minks and such, is appalling!

Barbara Nicholson, Hampton, NH

Leaving an animal in a trapped space for hunting dogs to tear apart is cruel and unmanly and just plain mean. We need to get back to dignity in hunting and fair play about it.

Rita McCloskey Payne, Indianapolis, IN

This is a BARBARIC practice!! It is animal cruelty. This should NOT be legal in our state.

Lauri Del Prete, Baltimore, MD

I support the above Rule and hope that you will make the right decision and enact this.

Blake Payne, AK

Coyotes don't need to be sold or hunted for anything! What exactly is this world coming to? Are we going to end up hunting humans eventually!?

Sharon Mystic, Niles, IL

Why amend the rule? Pressure from outsiders and big business? Of course what the people have to say is of no importance to politicians, has it ever been? Ridiculous to change a perfect ruling!

Deborah Lally, Timonium, MD

I don't understand man's having to kill everything he can with no remorse or good purpose behind it. The captured coyote's found after the hunting season, should not be euthanized, they should be returned to their habitat. If it's already caught, take it back to where it belongs. They are family oriented animals just as we are, as elephants are, as most creatures are. Have some common sense and compassion.

Joan Marks, Tehachapi, CA

Please support the amendment to: prevent the capture, use, and sale of coyotes as "live bait" for out-of-state dog training. Please prohibit the sale and possession of coyotes taken outside the hunting and trapping season. It will require that coyotes taken outside of the trapping season be euthanized within 24 hours of capture and stipulate that they cannot be sold, traded, bartered, or gifted. This is not fair as they are entitled to live on this land. There actually in my opinion should not even be on a list of wildlife to be hunted and captured at all. The people of this country are destroying our wildlife and pushing them out of THEIR natural habitat. PLEASE STOP

Jennifer Castaldo, Milford, CT

I cannot believe that there are rules like this in regards to wild animals. It quite honestly disgusts me. The concept of live bait training is despicable. I love wild animals and I chose vacations where there are wild animals.

Mary Raehl, Merrillville, IN

I urge you to support proposal LSA 07-749, that will not allow coyotes to be used as live bait. These wonderful animals have their own lives to live and should be respected and protected.

Marsha Ross, Columbus, IN

Please support this amendment. Indiana should not allow the torture of any animals.

Keith Myers, Indianapolis, IN

I wish to register my support for this proposed rule. This will help the coyotes of this state.

Alicia Roberts, Denver, CO

As humans with voices we must stand against the cruelty of animals. The thought to stick any animal in an enclosed area and have it hunted and killed is horrific. As an animal lover they deserve a peaceful end as do humans. I'd rather stick the "poacher" in an enclosed area with a pack of wolves.

Rich Allen, Denver, CO

This is really a cruel rule, basically allowing coyotes to be killed all year, just in a different way if taken out of season. Please reconsider.

Cynthia Roberson, Dallas, TX

Current state hunting and trapping rules are vague. And according to as pokes person from the Department of Natural Resources, trappers who catch a live coyote outside of the official trapping season "think they can do anything with it." In "live bait training," a captured coyote (or other wild animal) is released in an enclosure to be chased, attacked, and often killed, by a pack of hunting dogs. The annual trapping season for Indiana's coyote is October 15–March 15. Additionally, coyotes may be "taken" year-round by landowners or by persons designated by landowners to kill coyotes. The term "taken" has been interpreted by trappers to mean that an animal can be captured and kept alive, and then resold for whatever purpose the trapper decides, no matter how cruel.

Mr. and Mrs. Everett Halligan, Jr., Indianapolis, IN

I want to take this time to voice my comment in favor of the proposed regulatory amendment LSA#07-749 to spare coyotes from the cruel practice of "live bait training." The Indiana Department of Natural Resources is proposing a regulation change that will aid in preventing the capture, use, and sale of coyotes as "live bait" for out-of-state dog training. If adopted, the amended regulation will prohibit the sale and possession of coyotes taken outside the hunting and trapping season. It will require that coyotes taken outside of the trapping season be euthanized within 24 hours of capture and stipulate that they cannot be sold, traded, bartered, or gifted. I want to ensure that coyotes are spared this abuse and cruel end.

Loretta Marks, Dallas, TX

This is a very barbaric and cruel practice and should be stopped. You would think that in the year of our Lord 2007, man would have learned some compassion for his fellow wildlife by now. We need to learn to share this planet with all living things. Do the right thing and stop this.

Barbara Renton, Yucca Valley, CA

I have a Coyote family growing in my back acreage and I love it! My 6 acres has been made a Wildlife Refuge since I supply them with water and healthy rabbits for their hunting pleasures. They do not EVER bother my big dogs who are outside behind a 6-ft fence and actually they all howl together! In harmony!

Beverly Schwark, Canyonville, OR

I am for this new ruling and I hope it passes. It just sickens me to know what Coyotes and many other animals must endure from very certain people. We must be kind and considerate to all living beings period!

Carolyn Marie Dimmick, Grayslake, IL

Please do the best you can to prevent this cruelty to coyotes.

Holly Sullivan, Spring Valley, CA

How can you possess an animal that is naturally born in the wild. They are not ours to sell or own.

Barbara Mathes, Rio Rico, AZ

Please stop this inhumane treatment of coyotes. I am a former resident of Ill and live in AZ now. We have a lot of wildlife around us and the coyotes don't deserve this treatment, dead or alive!

Melanie Blackburn, Fort Wayne, IN

I support the proposal (LSA#07-749) that will prevent Indiana's coyotes from being used as "live bait."

Brenda Polacca, Ranchos de Taos, NM

I find this needless persecution of coyotes to be narrow minded and cruel. Coyotes play an important part in any eco-system and are possibly one of the most misunderstood animals around second only to wolves. I have lived around coyotes for many years and find them to be delightful interesting animals who deserve their place in our world without fear from inhuman and needless persecution.

Julia Freund, Cumming, GA

Please don't let this terrible live-bait law go thru. It is so cruel. And what is the difference in that and dog fighting? No animal should go through the fright and pain of being torn apart for human enjoyment.

Katie Cather, Loomis, CA

I have just learned of the most horrific agency condoned practice: Allowing live coyotes to be used in training drills with "hunting" dogs. I cannot believe that any intelligent people, let alone governmental agencies who are sworn to uphold laws and held to a higher standard than non-governmental citizens, can justify such cruelty. It is not "sport" nor is it a humane method of training. I urge you to immediately end this barbaric practice. Change the rule and make this sort of deviant behavior a felony.

Carin Conlin, Phoenix, AZ

Please come to your senses & let coyotes everywhere live free without the threat of being trapped & killed for there is no good reason to support this inhumane proposal. It is cruel needless murder of a beautiful wild species. Besides, wearing fur is so unpopular & those who do wear it are ignorant, insecure, thoughtless morons.

Terry Robinson, Tacoma, WA

I want LSA#07-749 to take effect. This rule is not good to the coyotes, it is good for humans. Micheal Vick went to prison for dog killing (some call it fighting) and his sick system at least one dog might live. This live baiting doesn't even allow for a fighting chance, unfair and inhumane. One hundred years in the future, history will judge us as wasteful, cruel fools. Please stop live baiting; it is the only just and right thing to do.

The Mills Family, Albany, IN

We urge you to spare coyotes from the cruel practice of "live bait training"

Keath Rhymer, Indianapolis, IN

This must stop now. Close any loopholes, cruelty is cruelty no matter how it is disguised

Dale LaCognata, Fishers, IN, (Canine Recreation Coalition)

The sale, possession and subsequent use of coyotes in this fashion is abominable, inhuman and an absolute OUTRAGE!!!! Some people may not care for coyotes but that does NOT give us the right to destroy the min this barbaric manner!!!

Lane Ferrante, Bedford, OH

Please pass the proposed amendments for LSA #07-749. What happens in your state effects other states. I do not support holding any animal for barbaric purposes such as dog "training" or skinning at any time. We must progress as a civilized society and we absolutely cannot condone savage acts for the sake of "sport." The very least you can do is make these small changes in this proposed law.

Rita A. Schroeder, St. Joseph, IN

What is wrong with our State ??? I cannot even imagine the officials(?) involved in this controversy !!!! THINK !! This makes me sick!!!!

Carol Tuskan, Highland, Lake, IN

I shouldn't even have to ask to put an end to coyote sales and possession. They are used for "live bait training", a brutal, terrifying, sadistic act that no animal should have to endure. This is not acceptable.

Sharon Primerano, Sherman, CT (Defenders of wildlife Care2)

Canned hunts are wrong. People should stick to the allotted timeframes, posted in this amendment.

Dee Dee Cosby, Bedford, IN

I am totally in favor of the Proposed Regulatory Amendment. Live bait training is cruel and inhumane and should by all means be banned in the State of Indiana and I agree with preventing people from taking our coyotes across state line to do just that!

Jesse Chacon, El Paso, TX

I support any proposal that will keep coyotes or any other trapped animal from being inhumanely tortured,

Kathleen Nicholas, Pittsburgh, PA

Please support LSA #07-749 and prevent this senseless cruelty. Thankyou for your consideration!

Diane M. Kastel, Wheaton, IL

Current state hunting and trapping rules are vague. And according to a spokesperson from the Department of Natural Resources, trappers who catch a live coyote outside of the official trapping season "think they can do anything with it." In "live bait training," a captured coyote (or other wild animal) is released in an enclosure to be chased, attacked, and often killed, by a pack of hunting dogs. The annual trapping season

for Indiana's coyote is October 15–March 15. Additionally, coyotes may be “taken” year-round by landowners or by persons designated by landowners to kill coyotes. The term “taken” has been interpreted by trappers to mean that an animal can be captured and kept alive, and then resold for whatever purpose the trapper decides, no matter how cruel.

Dinda Evans, San Diego, CA

The only animal we have a glut of is the one destroying the planet (humans). Please be kinder to the other species. They are innocent.

Ashleigh Olivia Rose Bottorff, Interlochen, MI (Animals Are Awesome, Inc.)

Comments: I am politely asking you to support the proposal (LSA#07-749) that will prevent Indiana's coyotes from being used as “live bait.” This planet belongs to all of us, kids and critters and God is watching. God Bless you in your efforts to help the critters.

Elaine Smith, Natural Bridge, NY

I'm against hunting & trapping the coyote.

Dana Bleckinger, Portland, OR

Please don't allow Coyotes to be used for live bait hunting, That isso WRONG!!!!

Valerie Winters, Boulder, CO

No coyote should be used for lousy hunters to train their dogs by torturing a coyote and the hunter can stand and watch same and get his thrill for the day. laws should not allow this.

Marc I. Hoffman, North Wales, PA

Thank you for considering public opinion about a proposed rule change that stipulates live coyotes may not be “sold, traded, bartered or gifted.” I respectfully ask the urge Indiana Natural Resources Commission to permanently ban the sale of trapped wildlife as bait for dog runners. Current regulations permit the use of live coyotes for training drills with “hunting” dogs. To inflict fear, mutilation, and death under the guise of “sport” is inexcusable and should never be state-sanctioned. I hope NRC will evaluate the cruelty inherent in live-bait dog training and make this decision based on decency and compassion rather than pressure from special-interest hunting groups. I support NRC's rule change and an end to this barbaric practice.

Marcia Denison, Indianapolis, IN

This proposed rule exceeds the jurisdiction of your department. Animal cruelty is not your duty. Your duty is to prevent illegal and inhumane treatment of wildlife in the public's interest. This proposed rule is HORRIBLE. To adopt the rule is gross negligence and you would be sued. Please, our coyotes are valued most by most Indiana citizens alive and well, not using intelligent living beings for live bait. In humane treating our coyotes beyond the scope of legal hunting during regular hunting season, except killing wildlife that destroy livestock or live trap to relocate, is not legal and never shall be on our watch. Please disallow the sale or possession of untanned “green” fur outside of hunting season. Reject LSA #07-749.

Julie and Jim Martin-Nichols, Scotland

We understand that the NRC Indiana is considering changing its rules to limit or prohibit the sale, ownership and use of coyotes, especially in the context of live bait training for hunting dogs. We are very glad to hear that this is on the agenda, and trust that you will make the right decision, by instituting the ban.

Kim Parker, Allen, IN

I am appalled that commission members who are supposed to protect the natural resources of a state would allow the export of coyotes and foxes to other states to be used as bait in betting tournaments. This is a black mark upon our state. Please change this rule to a YEARROUND BAN on the export of coyotes. The 6 month ban that is currently being proposed will still allow for this barbaric practice.

Rachel James, Fort Worth, TX

I don't live in your state but I just want to let you know that I support LSA #07-749.

Brenda Greenwalt, Muncie, IN

Comments: The use of innocent, helpless animals as life bait for absolutely any means is both barbaric and inhumane. All life has value and should be treated as such. "Animals are sentient beings and deserve to be protected from cruelty."

Judith Cieslak, Valparaiso, IN

I am writing to you about your current consideration of legislation to legalize the sale of wild animals (coyotes in particular) as wild bait for dog training. I'm shocked and outraged that such a practice even exists but that it should be supported by Indiana law is beyond belief! The primitive, mindless and completely unnecessary cruelty runs contrary to principles upon which civilized societies are based. I beg you to adopt and strictly enforce laws forbidding such practices.

Heather Leughmyer, Columbia City, IN

I support the proposed amendment to the NRC. The use of coyotes for live bait training is extremely cruel and barbaric. This practice has no place in a civilized society and needs to end!

Michael Tackett, Indianapolis, IN

Live bait training is cruelty to animals whether using wild animals or domesticated. This must be stopped.

Jon Abbey, Anderson, IN

Anytime a helpless or defenseless animal is allowed to be attacked, beaten or tortured, it is appalling and outrageous. No coyote or other animal should ever be legally used as live training bait for hunting or fighting dogs. This disgraceful practice should be banned immediately.

Karen S. Smith, La Porte, IN

I am writing in support of proposed rule amendment LSA#07-749(Coyote--Sale & Possession), which would prohibit the sale, trade or giving away of coyotes caught outside the state's trapping season. It is my hope that this amendment will help to reduce the use of coyotes as live bait for the training of hunting dogs, a practice which I consider extremely cruel and inhumane, like any other form of "canned hunting".

Dorothy Dotson, New Whiteland, IN

This rule is a step in the right direction, but doesn't go far enough. Ideally, it could be a step toward the banning of all live bait training which is a disgusting practice that should be against the law.

Sharon L. Miller, Peru, IN

I think the sale should be prohibited. It is a cruel practice.

We are seen and judged by others by how we treat those who have little or no voice. We can select compassion or indifference to their pain caused by the hands or actions of others. By how we decide is how we will be seen. It will be on the whole state not just those doing the deeds because our states laws allow it to be done.

Jennifer Miller, Lake Station, IN

It's unfortunate that Indiana still uses "live bait" for hunting dogs and I hope to see that the amendment enforcing no sale or trading of the animals passes. It's a step in the right direction for this backwards state. Frankly, there ought to be legislation passed unanimously against live baiting in general. How completely inhumane are some people?

Susan J. Faatz, Pawhuska, OK (Bat Conversation International)

I agree that coyotes should not be taken outside of the season. I also agree that the untanned hides & carcasses should be disposed of properly & not be allowed to be kept for more than 20 days.

Jeanette Fitzgerald, Fishers, IN

Thank you for the opportunity to make a difference in Indiana. I support the proposal (LSA#07-749) which will prohibit the use of coyotes as "live bait" in dog training. Besides preventing the use of coyotes as live

bait, this law would reduce disease among wildlife in Indiana and between states. Additionally, this proposal will eliminate the bounties placed on coyotes by hunters.

Beth Rudnick, Michigan City, IN

I am writing to voice my strong opposition to selling live coyotes for bait. Mohandas Gandhi said, "The greatness of a nation and its moral progress can be judged by the way its animals are treated." I have been following in local papers the arguments between hunters and non-hunters, trappers and non-trappers, etc. Regarding trapping, one man wrote something akin to "it's a long-standing tradition and a way of life" in an online letter to an editor of a Porter County paper. Long-standing tradition....So was wage discrimination against women and African-Americans. Segregation in schools. So was legal spousal abuse. Marital rape became illegal as recent as 1984. "Long-standing traditions" that are immoral and harmful need, quite simply, to be illegal. There is absolutely no reason a live coyote should suffer terror and pain because some folks have a particular hobby. I have lived quite comfortably and well for 29 years without eating meat or wearing skins. I see bumper stickers all the time that say "respect life." Ok, let's do that!

Deborah DeCaro, Middletown, MD

Why the 20 days? It should be immediate!!! Within 20 days a coyote could be sold or shifted to a person for dog training which is as heinous as Michael Vicks dog fights. I agree with this Rule amendment, except for the length of time allowed. It is too long.

Judith Kahle, Fairfield, CA

While I am not a resident of Indiana, I spent half my life in the Midwest. Coyotes live both in Indiana and in California and in all the states in between. Live baiting is cruel, and there is no justification for it. Using coyotes for live-baiting to train hunting dogs, is no better than using small animals for live baiting to train fighting dogs. I applaud that Indiana is considering this amendment that will prohibit this practice and restrict the unrestricted taking of coyotes for any reason. I ask that you pass this amendment into law.

James Herr, Westville, IN

Live bait dog training needs to be banned ASAP. It is a cruel inhumane act that I cannot believe people take part in.

Pat Botts, Muncie, IN

I support this amended rule.

Katherine Cech, Warsaw, IN

I find the whole of idea of using live bait to train dogs absolutely and totally disgusting and abominable!! How can a person support this type of atrocity and call himself human?? This atrocity goes against EVERYTHING that makes us human. This is nothing but abuse of life. As a new resident of Indiana, I am absolutely appalled that this state would even consider such barbarism against animals. As of right now, I am ashamed of this state and am not proud to be living here. I just hope God can forgive your sin against Him.

Robin Zeplin, Kansas City, MO (People for Animal Rights)

Inhumane. Barbaric. This practice must change. Please make it happen.

Kathleen Free, Hanover, IN

I am in favor of a proposed regulatory amendment that will prohibit coyotes from the cruel practice of "live bait training." I support the Indiana Department of Natural Resources regulation change that will aid in preventing the capture, use, and sale of coyotes as "live bait" for out-of-state dog training.

Antje Fray, Washington, CT

This idea to use live coyotes for "training" hunting dogs is NO BETTER than what happens to "bait" animals for dog fighting. You should be ashamed of yourselves !!!! You should be charged with a federal offense of animal abuse.

Mona Stern, Gary, IN

Coyote trapping to use live animals for dog "training" is appalling. Please don't let Indiana become a state known for its cruelty to animals.

Holly Bianchi, Leonardo, NJ

Thank you for considering public opinion about a proposed rule change that stipulates live coyotes may not be "sold, traded, bartered or gifted." I strongly urge Indiana Natural Resources Commission to permanently ban the sale of trapped wildlife as bait for dog runners. I support NRC's rule change and an end to this repugnant practice.

James Haniford, Hobart, IN

I have been informed that the Indiana Natural Resource Commission is taking and counting public opinion concerning live bait training with coyotes and other creatures. I have to say that I am very happy that for once an outlet has been provided for the public's opinion. Often, if there is such an outlet, most concerned citizens don't hear about it. I am an Indiana resident, taxpayer, and voter living in the City of Hobart, which is located in Lake County. My fiancée and I enjoy the state park system and the beautiful and precious landscapes which provide habitat for so much wildlife in this state.

Well, to return to the main point, I was made aware through concerned individuals that the NRC is looking to clarify some rules as to the barbaric practice of allowing trappers to use coyotes and other living wildlife as bait to train their dogs with. I want my opinion to be counted against such a sickening practice. I am not against hunting, so long as it's done responsibly, with respect for the quarry, and respect for the environment. But I am against irresponsible hunting and irresponsible practices. There is no need for trappers to make money selling "bait animals" instead of making money for their pelts. Furthermore, I see no need for money to be paid from any agency or official organization for pelts of any kind. Hunting is one thing, and trapping, I suppose, is one thing, but the age of bounties is long gone. We're not living in the pioneer days any longer and we've gone beyond "the frontier". Many of the people who want to sell "live bait" animals seem to want to keep the practices of "the frontier" alive, but the truth is, if this kind of gross negligence of our wildlife continues, we will move further and further from any trace of the natural order we once had. Already in many parts of the state deer culls have sadly become necessary; there just aren't any predators left to thin the herd. I'm sure you already are well aware of this, I'm just hoping to further my point.

Wolves and coyotes, as well as other predators, have been vilified for long enough. By neglecting to protect 'nuisance predators' or denying protection to some animals, we are vilifying them and denying them the respect that each species of animal and, essentially, each link in the food chain, of what should be a balanced, healthy ecosystem.

I thank you very kindly for your time and for taking public opinion on this matter.

Sean and Jenny O'Neil, Carlsbad, NM

Thank you for considering public opinion regarding a proposed rule change that stipulates that live coyotes may not be "sold, traded, bartered, or gifted." We strongly urge INRC to permanently ban the sale of trapped wildlife as bait for dog runners. We understand present law permits commerce in live coyotes for use in training drills with "hunting" dogs. To inflict fear, pain, mutilation, and death under the guise of "sport" is grotesque and indefensible. We hope INRC will evaluate the cruelty inherent in live-bait dog training, rather than base its decision on hunting revenue. We support NRC's rule change and an end to this unconscionable practice.

Carola Hume, Oxenford Qld, Australia

Thank you for considering public opinion about a proposed rule change that stipulates live coyotes may not be "sold, traded, bartered or gifted." However, I strongly urge Indiana Natural Resources Commission to permanently ban the sale of trapped wildlife as bait for dog runners. I understand present law permits commerce in live coyotes for use in training drills with "hunting" dogs, but to inflict fear, mutilation, and death under the guise of "sport" is grotesque to say the least. I trust NRC will evaluate the cruelty inherent in live-bait dog training, rather than base your decision on hunting revenue.

Grace M. Holden, Arlington, VA

Thank you for considering public opinion about a proposed rule change stating that live coyotes may not be "sold, traded, bartered or gifted." I hope very much that the Indiana Natural Resources Commission will

permanently ban the sale of trapped wildlife as bait for dog runners. Permitting commerce in live coyotes for training drills with hunting dogs is terribly cruel. I urge the NRC to see the cruelty in this type in live-bait dog training and do the humane thing. I wholeheartedly support NRC's rule change and commend you for proposing it. I look forward to hearing that it has passed and that this disturbing practice has come to an end.

Jack Corpuz, Indianapolis, IN

Okay I was "on the fence" on this issue. And to clarify I mean live trapping of coyotes (and foxes) for importation to other states to be used in dog running pens. Indiana is being referred to as the "Bogota" of game running (see drug running; Bogota, Columbia). We are the source of thousands of animals being placed in pens to be killed. Period. Several DNR officers have worked under cover in the Operation Foxote sting and have witnessed and participated in this slaughter. One comment sticks in mind was that at one facility in Virginia they had 55 gallon drums of dead coyotes sitting around from one trial. Another comment directly tied via forensic evidence the outbreak of rabies to escaped coyotes live trapped in Texas and used in dog running pens in the South (Al and Fl). One final comment from the officers was that this type of behavior is "lower than dog fighting and Indiana needs to stop being the source for the killing pens of southern dog runners". I'm off the fence now and firmly against the live trapping of coyotes (and foxes) for sale out of state. And I think when the rest of the sting operation information is made public most Hoosiers will demand this type of sale end and end now.

Stanley D. Gehrt, PhD, Assistant Professor of Wildlife Ecology, School of Environment and Natural Resources, Ohio State University

I strongly support an effort by the Indiana Department of Natural Resources to remove loopholes in the regulations that currently allow the capture of coyotes for use in dog training in enclosures or the transportation of live coyotes to other regions of Indiana or, worse, other states. I want to be clear that I am an advocate for hunting and trapping as long as those activities adhere to the concept of fair chase and a healthy respect for the game. I am a research biologist that has devoted most of my research program to furbearers for at least 20 years. As such, I have worked closely with trappers and hunters and as a youngster growing up in rural Kansas I was an avid participant in both activities. The success of my research is largely the result of the knowledge gained by myself or by the knowledge shared by others through the pursuit of game.

In addition to research, I currently teach courses that provide information and exposure to both activities for non-sporting college students. In these courses we discuss the ethics of fair chase, and the importance of such for the general non-hunting public to continue to support hunting. I'm afraid that the use of trapping to obtain wild animals for captive purposes, and marketing across state lines violates the concept of fair chase and will foster more negative impressions of trapping, which is already on tenuous ground with the general public.

I'm disappointed in those trappers that support the marketing of live coyotes, and am disappointed that they cannot discriminate between the challenge of taking of an animal as quickly and humanely as possible, versus capturing a wild animal to keep in captivity, and then to be released in an enclosure. I'm also strongly opposed to the transportation of living wild animals across state lines. This activity runs counter to general concepts in wildlife management. We have learned hard lessons from the past relocations of game when it has been conducted without professional supervision. Some of the most dramatic outbreaks of wildlife disease have been the result of moving game from one part of the country to another (e.g., raccoon rabies). Fortunately it did not spread beyond the enclosure. Nothing good can come of the indiscriminate transportation of game by non-professionals.

I'm also disappointed in those trappers that use emotion and fear to justify this activity, including misleading arguments. The contention that the marketing of coyotes is necessary to control coyotes is not supported by any evidence. Throughout its range, the coyote has thrived with the least amount of protection afforded any game animal. This is particularly true in the Midwest, and sportsmen have been able to take this animal with little restrictions. Indeed, it is well demonstrated that even offering bounties (thereby increasing the economic value of the coyote) has never successfully altered coyote numbers over large areas. I don't think it is consistent for management agencies to maintain that coyotes need little regulation while some trappers maintain that their activity (or business, in this case) is necessary for the control of coyotes. It is, therefore, misleading for proponents of the marketing of coyotes to suggest that

their activities have any effect on coyote populations on a state-wide level. There is simply no evidence to support this.

Finally, I noticed that the proponents of coyote marketing argue that their activity will help protect the public from coyote attacks (via their website). Yet, they fail to mention 1) how rare coyote attacks on people really are, and 2) that most cases of coyote attacks can be prevented by altering human behavior, rather than lowering coyote numbers. I am unaware of any evidence that links the frequency of coyote attacks to numbers of coyotes harvested, pelt prices, etc. In the event coyotes become problems, I'm sure there is no shortage of wildlife control professionals that will endeavor to remove those coyotes for the right price (it is important that an effort to close regulatory loopholes does not unnecessarily limit the abilities of wildlife control operators to remove nuisance coyotes when necessary). Successful professionals price their services appropriately, and a further subsidy to allow the selling of live coyotes isn't necessary for the control business. Trying to link the marketing of coyotes to nuisance control is an excellent example of a straw man of the first order. I hope the IDNR finds my comments helpful.

Jane Morrow Below, Bloomington, IN

This is a small step in the right direction. However, the state of Indiana should ban the possession or sale of any coyote, alive or dead, or any parts of that animal at any time of the year. I'm shocked that it hasn't been banned already.

Michael Below, Bloomington, IN

As a life-long dog owner, I'm chilled by the idea of running coyotes as bait in dog training. Details of this practice are few, but it smells of dog fighting and the brutal treatment of an intelligent animal. Limiting the trade of live coyotes to its trapping season is a small first step. The finale step will come with public exposure (video) of domestic dogs shredding a live coyote. It will be notoriety Indiana doesn't need.

Nathan Pate, Paoli, IN

I think the rule needs changing to say that live coyotes can never be sold. Private citizens have no right to profit from the sale of publicly owned "goods", and the fate of these animals is insupportable by any civilized rationale. Any farmer with predacious coyotes ought to be allowed to shoot them any time of the year.

Jude Spiller, LaPorte, IN

I am completely opposed to using any animal for live bait for training dogs! There are so many other ways to train dogs that I can't believe a civilized society would tolerate such inhumane treatment!

Theresa J. Lydy, Bloomington, IN

I am in favor of a year - round ban on the sale of Coyotes. As for farmers animals being killed by coyotes they should put there animals up at night or find other means of protecting them. We need to learn to live with wild animals. It is inhumane to kill or own animals for the purpose of collecting urine and pelts.

Erin Pendleton, Spencer, IN

My grandfather and father have been Conservation officers and hunters for many, many years. They have the utmost concern for animals and their health and safety, but also love the sport of hunting. I think this new proposed legislation would be extremely detrimental to the hunter and the coyotes. I also live in a rural area with small children and we are increasingly seeing coyotes around the house. I fear for the safety of my small children and want to be able to have trappers come onto our property to control the population around our house.

Debra Raddatz, Solsberry, IN

I am a registered voter and I support the proposed rule changes.

Sheryl Hester, Kalispell, MT

I am wondering if this law would include domestic raised coyotes? Our state has a law that allows domestic raised coyotes to be in anyone's possession. It is against the law here to take a coyote from the wild and domesticate it. I would think that animal rescuers should be exempt from this law also. Most domestic raised coyotes cannot be returned to the wild.

Mary Ray, Winston, NM

I know I don't live in Indiana, but I do live in coyote country and am so grateful this "live market" is outlawed here. The cruelty of holding a living wild animal in a cramped cage to collect its urine or to use a "bait" later is worse than death and on par with that Michael Vic's dog fighting. Please, please stop this.

Linda Stewart, Bloomington, IN

Coyotes should not be sold as live bait. I don't agree with them being killed if life trapped either. I did grow up in the country and realize they can be pests; however, in this day and age, I believe we can find better ways than killing.

Louis Gambogi, Pittsburgh, PA

I respectfully oppose letting coyotes being sold for live-bait for dog training. This is extremely cruel and unnecessary. If coyote are a threat to farmers cattle, then I believe the farmers should take steps to ensure there cattle are taken in at night and adequately fenced-in. Destroying coyote is no a viable solution. Coyote and wolves have been demonized for way too long and has to stop.

Claudetta Kelly, Bloomington, IN

I am in favor of the proposed changes to the coyote rule package. Humane treatment of animals is essential to a civilized society. Indiana needs to take a strong stand against the ill treatment of any animal.

Dawn Hewitt, Bloomington, IN

I wish to offer my support of the proposed rule changes regarding coyote trapping during the off season. As wildlife officials in Kentucky and Ohio state, nuisance coyotes should not be kept alive for transport, but killed quickly and humanely after being trapped. I support the rule changes, but feel that they do not go far enough. Indiana Administrative Code should ban the live sale of coyotes year- round. Even those with game breeders licenses should not be permitted to sell live coyotes or other wildlife to dog runners.

According to the IAC, the wildlife of Indiana belongs to the people of Indiana, and it is wrong for individuals to sell live coyotes, foxes and other wildlife at all, but especially to those who would subject them to inhumane treatment. If keeping captive coyotes during trapping season remains legal, I would urge you to establish regulations governing their care and housing to ensure their humane treatment. Again, I urge you to make changes to the code that ensure humane treatment of Indiana's wildlife.

Lynne Shifriss, Bloomington, IN

I support the proposed rule changes that would ban the sale of live "nuisance" coyotes. Please consider rules to ban the sale of live coyotes year round.

Robert C. Bauer, New Albany, IN

I am new at writing to legislative branches about inhumane and unethical practices concerning wildlife so I will keep this short. Presently I am of the understanding that there are those who are appealing to the Indiana Department of Natural Resources to pass a law allowing them to trap live coyotes for the purpose of using them as targets and as live bait under the guise that coyotes are a detriment to the balance of the ecosystem.

A wildlife biologist by the name of Adolph Murie did a study in 1940 establishing that coyotes were a necessary part in maintaining the balance of this very fragile ecosystem that we are involved in. Indeed, all wildlife species including the wolf share in this. All things were created with the intent of maintaining a balance ,or if I may use the terminology, equilibrium although balance is probably a better term. As an example, the human body by design exists in such a state, apart from human intervention, to maintain itself within certain parameters with feedback mechanisms that keep pH, salinity, temperature, ion concentration across membranes, ATP levels, etc.etc.at certain levels apart which the human body would enzymatically shut down, the body would slip into a coma and die. If we start removing organs, removing systems within systems, or dumping into the system things that are not natural to the system, the human body is thrown out of wack, for lack of better terms.

The same principle applies to the ecosystem. If we seek to remove wolves and coyotes and other wildlife from the ecosystem under the notion they are a detriment to the system then the entire system will

be thrown out of wack. I have had the unique opportunity in experiencing first hand several times the wonders of one such ecosystem called Isle Royale National Park in which every form of wildlife including the wolf and the moose are an essential part of keeping every thing in balance, where a hands off approach to the system is enthusiastically maintained. Its amazing what happens when humans leave things alone. These would be traffickers apart from being motivated by ego to perpetuate their own selfish ends are the ones that have thrown things out of balance. If fact we as humans in general have been the ones to have been a detriment to the ecosystem in every way imaginable in the past. Maybe we are the ones to be eliminated.

We have a choice at this crucial point in time to either be a detriment or maintain legislation and pass legislation to allow nature to do what it was supposed to do and thereby being a benefit to it and allow ourselves the opportunity to enjoy its beauty. This includes the legislation that prohibits the trapping of coyotes for the purposes of live bait use and targeting. It is my sincere desire that you take these words to heart and maintain legislation to these ends and not give into the egotistical whims of selfish men.

David Freese, Bloomington, IN

[The letter filed by Freese is difficult to read. The following are the comments that can be interpreted.]

I just want to comment on coyotes. I've lived on the same 98 acres ... for 70 years. They used to be a lot of jobs around. In fact...to a den of foxes every year. In fact, my dad seen 14 foxes at one time. I didn't have to much of a problem with them. Once in awhile they would ...down and get a chicken. I usually got rid of it. We used to have sheep all the time, but never had any problems with foxes getting lambs. Since coyotes come in this part of the country, I've had a lot of problems with them. I'm pretty sure they've got...five baby calves and probably 10 to 15 of my cats. They come right ...in my yard and caught my cats. I've got one cat left, but I wouldn't have her if I didn't keep her in the I like wild life, but coyotes are the worst that have ever been around. I wish they were all dead. I know some people have problems with deer eating their flowers and gardens, but they don't bother me. I see them out every day.

* * * * *

THE FOLLOWING PERSONS FILED THE SAME OR SIMILAR COMMENTS:

Dagny Rodriquez, Staten Island, NY; Edward Russo, Springfield, IL; Larry Temin, Loveland, OH; Lloyd Guptill, Westport, MA; Karen Faxon, Bartlett, NH; Marilyn Evenson, Tacoma, WA; Rachel Lyon, Beaumont, CA; W. Ronald Gaertner, MD, Manakin Sabot, VA; Cynthia R. Pendergrass, Hamilton, OH; Joseph Johnson, II, Barrington, IL; Marcia L.Balkan, Manakin Sabot, VA; Johanna Coxeter, Brooklyn, NY; Bernadette M. Sonefeld, Littleton, CO; Roni Lawrence, New York City, NY; Dianne Ensign, Portland, OR; Rosalie Carpenter, Downey, CA; Vera Kramer, St. Augustine, FL; G. Chapman, Wheaton, IL; Gary Nagasawa, Newcastle, CA; Nancy Andrich, Rubicon, WI; Juanita Kempe, Los Angeles, CA; Glenda Popielarski, Camden, NY; Arthur Goldberg, Brooklyn, NY; D. Nuzzo, Branford, CT;

I am very much in favor of a proposed rule change that would prevent the sale, trade, barter or gifting of live coyotes. This would put an end to the barbaric use of trapped coyotes as bait in training drills with hunting dogs. I strongly urge you to adopt this measure.

* * * * *

Jess A. Gwinn, Solsberry, IN

Please accept this comment in favor of the proposed change to IAC outlaw the possession of live coyotes. Coyotes should not be allowed to be kept alive for future sale, barter, etc. Doing so is tantamount to legalizing dog fighting which is outlawed throughout the country. Thank you for your time and consideration.

Nancy Sparks, Spencer, IN

Please stop this cruelty. It is inhumane to be part of this. Indiana cannot let this happen. Take responsibility and stop this process immediately.

Edith Emmenegger, La Grange Park, IL

Please do NOT support the horrific practice of selling live bait to dog trainers.

Charlene Marsh, Nashville, IN

I am writing to support the rule change that will prevent coyotes from being sold, bartered, gifted, or traded. These animals are used in what boils down to fighting dog rings and suffer horrific living conditions and subsequent deaths. For the State of Indiana to support this cruel, barbaric, and torturous industry is unconscionable. Please push forward to ban this practice.

Melanie Hunt, Bloomington, IN

I am vehemently opposed to any further changes to the current rules, which already comprise cruelty to animals. If you need to find a profit source, start a fund for saving the coyotes, with educational outreach. There are plenty of orgs. and individuals around who would help you for free. You'd make a lot more, and have the public on your side, instead of against you, as the recent changes in President Bush's policies indicate they are.

William Lorton, Putnam County, IN

I support your proposed rule changes that prohibit sale of livenuisance coyotes, but think they don't go far enough. Sale of livecoyotes should be banned year round.

Mary Bartlett, Indianapolis, IN

Please clarify the rule to ensure that animals, such as coyotes, are not trapped live and held in order to be shipped to another state for bait. This practice is inhumane.

Sonja Damjanovich-Smilga, Willowbrook, IL

This should not be done. It only shows the "back woods" mentality that one would have confronted decades ago. What is the difference between this and DOG FIGHTING? NOTHING!!!! How would you feel if your dog was accidentally ripped apart? My daughter's standard poodle was in such fright, horror, pain, because we couldn't stop a neighbor's pack from attacking on my own property!! These were hunting dogs. I am in a pet service business. I know the cruelty of humans. Do you have to legitimize it? I think before you pass any such law. The wildlife has feelings. May not be desirable to some but wildlife were here first. Cohabitation should exist. If not, there can be other ways of teaching dogs to hunt.

Milica Damjanovich, Willowbrook, IL

Why would you consider this? After the outcry of our nation about Michael Vic and dog fighting, how could you do such cruel, inhumane treatment of animals. Please no!

Wendell Wiebe-Powell, Elkhart, IN

I strongly support DNR rule changes which would prevent coyotes from being sold and savagely killed by hunting dogs. Even to some of us with a decent hunter sensibility, the practice of holding these wild animals in horrible conditions and then releasing them to be torn apart by hunting dogs for sick minded pleasure is unconscionable. Please create and enforce polices that will put an end to the practice of Indiana being a supplier to animal fighting rings. This is a real mark of disgrace on our fine state and on what being a Hoosier should stand for. We should not be associated in any way with this miserable practice. I want to go on record to express my strong opposition to changes in DNR's rulings being pushed by vested interest groups which would allow coyotes to be held, sold and for dogs to kill as sport. I hope DNR's Natural Resources Commission will not be manipulated by the disinformation campaign of the trapping industry.

Mike Hausz, Lanesville, IN

I would like to voice my opposition to the suggested language change in the Coyote trapping regs. I feel coyotes should be able to be taken and used during the summer the same way they are in the winter.

Lewis Richardson, Indianapolis, IN

These animals should not be caught & sold. They should not be hunted & killed in first place! When is NRC going to cut out immoral killing of animals?

A. Fugier, France

S'il y a une petition a signer pour eviter la chasse avec des coyotes vivants, je signe A. Fugier.

Roughly translated:

If there is a petition to sign to avoid the chase of live coyotes, I sign. A. Fugier.

Martine Desplats, France

Ce comportement est indigne d'un être dit soit disant "civilisé, l'animal a n'a pas à souffrir de la bêtise humaine, l'homme est cruel gratuitement cruel.

Roughly translated:

This behavior is shameful for one who is "civilized". The animal should not suffer the foolishness/stupidity of humans. Man is cruel, freely cruel.

Sandra Zellers, Muncie, IN

Dear Commission members:

Please vote to stop supplying coyotes to out of state animal fighting rings. This is a barbaric practice, and needs to be STOPPED! Bring Indiana out of the dark ages, by voting to stop this inhumane and cruel practice.

Thank you in advance for supporting legislation to this effect.

CeAnn Lambert, Brighthurst, IN

Indiana Coyote Rescue Center

The trappers who are selling Indianas live coyote to live bait dog running facilities are the Michael Vick's of Indiana's wildlife. Please put a stop to this activity. We, the 95% of Hoosiers who do not trap, trust you you take care of Indiana's wildlife for us.

Also attached to this comment were the following documents:

November 1997

Dear Interested Person or Party:

The following is a scientific opinion letter that has been requested of me by the Predator Defense Institute. This letter outlines a response to the general question "What effect does reduction of coyotes (older than 6 months) have on the remaining population?" Several opinion requests were made to me regarding claims that reduction of adult coyotes would lessen predation on domestic sheep or game animals such as mule deer or antelope. Before I cover the three basic biological responses by coyote populations to reduction (described below), it is important to understand the type of "predator reduction" or "coyote control" in question. Most reduction programs, often referred to as control practices, are indiscriminate in nature, meaning the individuals removed (this usually always means "killed") are probably not the offending individuals. Even if some offending individuals are removed, there is great likelihood that the responses described below will take place anyway. Although removal of offending individuals can temporarily alleviate predation rates on the protected species, the alleviation is usually short-term and likely has long-term side-effects that make control activities ineffective. It can not be overemphasized how powerfully coyote populations compensate for population reductions. Both evolutionary biology and the results of my research the last three years (on the effects of wolves on coyotes) indicate that the basis of this resiliency is embedded in the evolutionary past of the coyote. Coyotes evolved, and learned to coexist, in the presence of gray wolves--a dominant competitor and natural predator.

Demographic compensation

The following demographic responses are based on published research, results of preliminary analysis of coyote study populations subjected to various levels of reduction or exploitation, and the work I have conducted in three study areas over the past 14 years in Washington (an unexploited population, not subject to human control or mortality), California (exploited), and Wyoming (unexploited). There is little, if any, scientific basis for control (reduction) programs that indiscriminately target adult coyotes. In fact, the mechanisms described below suggest that widespread control (even selective control) increases immigration, reproduction, and survival of remaining coyotes. It has been reported that sustained reduction of coyote numbers can only be accomplished if over 70% of the individuals are removed on a sustained basis. My experience with known populations indicates that even with intensive control efforts, this level is rarely achieved.

- (1) Actual reduction in the density (and number of coyotes) does occur but is compensated by immediate immigration into the reduction area by lone animals or shifts in surrounding social groups. This is the expected response by species that are territorial and monogamous. The primary objective for loners or replacement coyotes is to find a temporal opening, defend and exploit the food resources in that social group, pair-bond and breed.
- (2) Reduction results in a smaller social group size which increases the food per coyote ratio. This ratio may be even greater because of temporary reductions in overall density. Therefore, this food surplus is biologically transformed into higher litter sizes and higher litter survival rates. Review of literature indicates that the increase in litter size at birth is not as great as was previously reported by F Knowlton in 1972. Rather, the increase in food availability improves the nutritional condition of breeding females which translates in higher pup birth weights and higher pup survival.
- (3) Reduction causing higher pup survival is fundamentally a function of the general mammalian reproductive strategy that delays the majority of reproductive energetic investment beyond the gestation period, the postpartum and neonate state (e.g., young pups). The caloric demand of offspring reaches an apex in May, June, and July when coyote pups grow very fast. Thus, the normal litter of six pups has a good chance of (a.) surviving the typically high summer mortality period and, (b.) being recruited into the pack the following winter as adults. By contrast, in the two unexploited populations I investigated, the average litter size at birth was 5 or 6, but due to high summer mortality, only an average of 1.5 to 2.5 pups survive. In populations subjected to less than 70% removal annually, there appears to be an ample number of breeding pairs to occupy all available territory openings and litter sizes of 6 to 8 enjoy high survival rates (most pups born survive to adulthood). This results in a tripling of the number of hungry pups that need to be fed. "Large packages" of prey, (such as sheep, as opposed to voles or rabbits,) make for more efficient sources of nutrition because hunting adults have to invest less energy per unit of food obtained. ADC-funded research clearly indicates that the primary motivation to kill domestic sheep is to provide food for fast-growing pups.
- (4) Reductions of adult-sized coyotes 6 months or older, results in smaller pack size which leaves fewer adults to feed pups. This may further add incentive for the remaining adults to kill larger prey as well as putting pressure on the adults to select for the most vulnerable prey venture close to areas of human activity. Because predators like coyotes also learn what is appropriate food when they are pups, and are reluctant to try 'new' food sources unless under great stress (such as having to feed a large litter of pups) reduction programs, in effect, may be seen as forcing coyotes to try new behaviors (eating domestic livestock) which they would otherwise avoid. Research has clearly shown that higher numbers of adult pack members provide more den-guarding time and more food brought to pups. Without pressure to "maximize" efficiency in hunting for food for pups, packs may be able to subsist on larger numbers of smaller prey (e.g., rabbits and small rodents) rather than going for livestock or other, larger prey like antelope and mule deer fawns.
- (5) Reductions cause an increase in the percentage of females breeding. Coyote populations are distinctly structured in non-overlapping but contiguous territorial packs. Over 95% of the time only one female (the dominant, or "alpha") breeds. Other females, physiologically capable of breeding, are "behaviorally sterile". Exploitation rates of 70% or higher have to be imposed in order to decrease the number of females breeding in a given area. Either a subordinate female pack member, or an outside, lone female can be quickly recruited to become an alpha or breeding female. My research has shown that light to moderate levels of reduction can cause a slight increase in the number of territories, and hence the number of females breeding.
- (6) Reduction causes the coyote population structure to be maintained in a colonizing state. For example, the average age of a breeding adult in an unexploited population is 4 years old. By age 6 reproduction declines, whereby older, alpha pairs maintain territories but fail to reproduce. This may eliminate the need to kill sheep or fawns in the early summer in order to feed pups. Exploiting or consistently reducing coyote populations keeps the age structure skewed to the young (average age of an alpha is 1 or 2 years) and in a state of constant social and spatial flux. Therefore, the natural limitations seen in older-aged, unexploited populations are absent and the territorial, younger populations are much more productive.
- (7) Reductions cause young adults (otherwise prone to dispersing) to stay and secure breeding positions in the exploited area. This phenomenon is well-documented. There are other demographic responses that negate the effectiveness of control practices but the aforementioned covers the most important.

Alternate prey

An aspect of coyote predation on livestock that is often overlooked is the availability or dearth, of alternate prey. ADC research has demonstrated that coyotes will avoid novel prey, such as domestic livestock. In addition, it is risky for coyotes to predate upon domestic livestock because of human control actions associated with this behavior. Related research indicates that predators switch to alternative prey when a preferred prey item is absent or in low numbers. Voles and other rodents like jackrabbits are a preferred major staple of coyotes in the West. These prey species require cover and ample supplies of forage (grass and forbs). On many western rangelands grasses, forbs, and protective cover have been greatly reduced by domestic livestock grazing, leaving predators with fewer preferred prey to utilize. Present or historic grazing impacts should be assessed as a likely means of predicting overall predation rates on other prey species, especially prey like domestic sheep which are already vulnerable to predators due to their lack of anti-predator behaviors.

Accelerated selection pressures and learned behaviors

A relatively unexplored, but promising avenue of research is the long-term genetic and behavioral changes in coyote populations subjected to decades of exploitation. It seems obvious that the type of selection pressures and selection rates have been greatly changed for coyote populations, after a century of exploitation at 20% to 70% per year. More nocturnal, more wary, more productive, more resilient individuals have probably been intensively selected for. This in turn may cause coyote populations to resist control practices that previously were effective. In addition, the possibility of social facilitation and learning may be altered or reduced. Coyotes, like many mammals, learn to habitually use certain prey or habitats from other individuals in the population, especially from older adults in their social group (if they have one). Coyotes, already a highly social and adaptable species, are held in a younger colonizing state when they are exploited and learned or traditional behaviors may be lost. Individuals are therefore more susceptible to learning novel prey sources or trying out novel habitat types. There are many questions to be answered such as, "How will coyote populations respond once predator reduction or control programs are terminated?" or "Are there other management alternatives, both lethal and non-lethal, that may be effective in reducing predation on domestic livestock?" However, this scientific opinion only addresses a narrow, but important topic of the impacts of human caused reduction of coyote demographic parameters.

In conclusion, the common practice of reducing adult coyote populations on western rangelands is most likely ineffective and may even increase the number of lambs, fawns, and calves killed by coyotes. Coyotes are still products of their evolutionary past. Biological and ecological evaluation of control practices would seem to be a requirement for any public or private effort to reduce losses due to coyotes or any other predator.

AND –

A COMMENT ON MARKETING OF LIVE COYOTES AND DOG TRAINING

I strongly support an effort by the Indiana Department of Natural Resources to remove loopholes in the regulations that currently allow the capture of coyotes for use in dog training in enclosures or the transportation of live coyotes to other regions of Indiana or, worse, other states. I want to be clear that I am an advocate for hunting and trapping as long as those activities adhere to the concept of fair chase and a healthy respect for the game. I am a research biologist that has devoted most of my research program to furbearers for at least 20 years. As such, I have worked closely with trappers and hunters and as a youngster growing up in rural Kansas I was an avid participant in both activities. The success of my research is largely the result of the knowledge gained by myself or by the knowledge shared by others through the pursuit of game.

In addition to research, I currently teach courses that provide information and exposure to both activities for non-sporting college students. In these courses we discuss the ethics of fair chase, and the importance of such for the general non-hunting public to continue to support hunting. I'm afraid that the use of trapping to obtain wild animals for captive purposes, and marketing across state lines violates the concept of fair chase and will foster more negative impressions of trapping, which is already on tenuous ground with the general public.

I'm disappointed in those trappers that support the marketing of live coyotes, and am disappointed that they cannot discriminate between the challenge of taking of an animal as quickly and humanely as possible, versus capturing a wild animal to keep in captivity, and then to be released in an enclosure. I'm also strongly opposed to the transportation of living wild animals across state lines. This activity runs counter to general concepts in wildlife management. We have learned hard lessons from the past relocations of game when it has been conducted without professional supervision. Some of the most dramatic outbreaks of wildlife disease have been the result of moving game from one part of the country to another (e.g., raccoon rabies). Fortunately it did not spread beyond the enclosure. Nothing good can come of the indiscriminate transportation of game by non-professionals.

I'm also disappointed in those trappers that use emotion and fear to justify this activity, including misleading arguments. The contention that the marketing of coyotes is necessary to control coyotes is not supported by any evidence. Throughout its range, the coyote has thrived with the least amount of protection afforded any game animal. This is particularly true in the Midwest, and sportsmen have been able to take this animal with little restrictions. Indeed, it is well demonstrated that even offering bounties (thereby increasing the economic value of the coyote) has never successfully altered coyote numbers over large areas. I don't think it is consistent for management agencies to maintain that coyotes need little regulation while some trappers maintain that their activity (or business, in this case) is necessary for the control of coyotes. It is, therefore, misleading for proponents of the marketing of coyotes to suggest that their activities have any effect on coyote populations on a state-wide level. There is simply no evidence to support this.

Finally, I noticed that the proponents of coyote marketing argue that their activity will help protect the public from coyote attacks (via their website). Yet, they fail to mention 1) how rare coyote attacks on people really are, and 2) that most cases of coyote attacks can be prevented by altering human behavior, rather than lowering coyote numbers. I am unaware of any evidence that links the frequency of coyote attacks to numbers of coyotes harvested pelt prices, etc. In the event coyotes become problems, I'm sure there is no shortage of wildlife control professionals that will endeavor to remove those coyotes for the right price (it is important that an effort to close regulatory loopholes does not unnecessarily limit the abilities of wildlife control operators to remove nuisance coyotes when necessary). Successful professionals price their services appropriately, and a further subsidy to allow the selling of live coyotes isn't necessary for the control business. Trying to link the marketing of coyotes to nuisance control is an excellent example of a straw man of the first order.

I hope the IDNR finds my comments helpful.

Respectfully,

Stanley D. Gehrt, PhD
Assistant Professor of Wildlife Ecology
School of Environment and Natural Resources
The Ohio State University

Lambert also commented:

The fact that IN coyotes are being sold to live bait dog training facilities across the US and within the state of IN is abuse of IN wildlife. Please put a stop to it, not only for the off season but for whole year round. The trappers and dog runners who are using our wildlife in this way, are the Michael Vick's of wildlife.

Michele Means, IA

This has been haunting me since I first received the e-mail two days ago. Please do everything possible to stop this horrible practice. How can anyone see this picture and not be sickened and want to stop the cruelty? Please add my name to the list of U.S. citizens who are demanding that this be outlawed.

Christy Crnkovic, Lake Zurich, IL

I am a resident of IL (Lake Zurich, IL) and horrified to find that this actually happens. This is barbarity, not sport!

Angela Brubaker, IA

I am writing to let you know that I oppose the use or sale of LIVE animals as bait to dog runners or any other canned hunts or facility that uses them. This is totally inhumane and disturbing. These animals need to be treated humanely and without suffering. Anyone who gets pleasure or sport out of this, rank with people who use dogs and cocks for fighting. Needless to say what it is doing to the disposition of the dogs. Please oppose the use of live animals immediately.

Stephanie Pairitz, Bristol, IN

I was deeply troubled to hear there is currently a movement to gain state legislative approval for the trapping of coyotes for sale across state lines to be used as live bait in training hunting dogs, and for targets in fenced hunting facilities. I am saddened to think we have not evolved beyond such barbaric treatment of our fellow creatures, and certainly selling animals for such treatment is direct participation in actions far beneath our humanity. It would also seem that trapping a wolf in an enclosed area to be torn apart by other dogs is essentially a form of organized dog fighting, which is illegal.

As a citizen of Indiana, I wish to communicate I do not support this and do not approve of traffickers trying to bypass the Indiana Department of Natural Resources regulations by appealing to the Natural Resources Committee of the Indiana State legislature to pass a law that would allow such trafficking. As editor of the Indiana Sierran, a quarterly newsletter for Sierra Club members, I wish to communicate that I will be including an article on this proposal in our upcoming edition. If you have any information that contradicts what I have communicated in this letter, you may contact me at srp@writtenadvantage.com.

Thank you for your attention.

Laurel Ahlenius, River Forest, IL

I wish I could believe that any state, especially a neighbor of Illinois, would consider to allow live bait for dog training. I am an avid dog, cat, and animal lover, including wildlife. I am horrified to hear that this sport will be encouraged by allowing the sale of wildlife for pure blood sport. I have been active in the dog performance sports, but to permit the sale of any animal, I find extremely barbaric. I ask that the legislation for sale of wildlife for live bait dog training be stopped immediately.

Jan Conradt, Aurora, IL

I would like to state my opposition to legislation that would allow the use of live animals as bait.

Terrorizing any animal by single or groups of dogs is not a sport. It is cruel and inhuman. Not only should we not treat our dogs with terrorization, per Michael Vick,,,we should not accept this treatment of any animal. Studies have shown that people who abuse animals, are more likely to be abusers of people. Making abuse of "wild animals" legal gives credence and acceptance to animal abuse. The fact that the animals have been declared "wild" by someone, , says that some animal abuse is OK. This is not a good thing. Why would anyone think this is sport?

In addition, wild animals carry disease. Not only do we not want additional diseased animals transported to a state and let loose to infect other animals.....

Why would we want or allow our dogs to come in contact with the diseased animal, including blood and intestines. This would increase the risk of disease for our dogs, and the dogs they come in contact with.....more sickness, more vaccinations, and new unidentified illnesses.

People who support this for their dog sport of choice, are not thinking of their own dog, they are only thinking of their desire to see the wild animals ripped apart as they cower, try to run, get ripped apart, and eaten alive. If these people want their dogs to have fun, they can pursue the sport of luring, where dogs get to chase an animal hide. The dogs don't need blood and guts to have fun!

If people can do this with one type of animal, it would not be much of a step to move to a different type of animal, from "wild animal", to dog or cat, etc. There are enough problems today with treatment of animals without making some abuse legal.

Karen Rivera, St. Charles, IL

To me, it is the same as dog fighting. What is the difference? So, it is ok to throw a live cat or kitten for dogs to rip apart to learn to fight? So it is ok to use a captured live coyote or other live animals to train dogs? Give me a break. The people who do this type of training should be treated the same as Vick. Where is the line drawn?

Donna Darland, IL

I am writing to express my dis-approval of this practice. How cruel to the trapped animal.

Stop this practice.

Mary Merlin, IL

I'm completely against this. How can the DNR permit this. In Florida they want to stop grouper fishing because they feel the groupers need a rest but in Indiana they want to let mammals which is a much higher species get mauled by dogs. This makes no sense.

Dorothy Rowe, Cedar Lake, IN

Do not legalize the selling of live bait for dog training? We do not need to train dogs at the expense of another animal's life.

Carol and Mike Ely, Addison, IL

NO SELLING WILDLIFE AS BAIT FOR DOGS!

The Indiana Natural Resource Commission is taking and counting public comments regarding the sale of coyotes and other trapped wildlife as bait for dog runners. Some of the Natural Resource Study members have already told these wildlife sellers that they approve of this "sport." Tell the legislators and the NRC members that the PUBLIC DOES NOT APPROVE of TRAPPERS SELLING LIVE ANIMALS!

Please stop the use of live baiting!!!!

Becky Reimbold, South Bend, IN

I am writing to express my concern over reports that residents of Indiana are trapping coyotes and selling them to "dog fighting" outfits out-of-state. If we have rules to stop this, we need to enforce them. If we do not, I would support a new rule disallowing trapping for resale of live animals.

Erin Ayer, Cincinnati, OH

I would like to add my support to this legislation, which is a good first step towards better protecting coyotes. Thank you!

Christina, Joanna, Angelica Apostolou, Athens, Greece

Thank you for considering public opinion about a proposed rule change that stipulates live coyotes may not be "sold, traded, bartered or gifted." We strongly urge Indiana Natural Resources Commission to permanently ban the sale of trapped wildlife as bait for dog runners.

We understand present law permits commerce in live coyotes for use in training drills with "hunting" dogs. To inflict fear, mutilation, and death under the guise of "sport" is grotesque.

We trust NRC will evaluate the cruelty inherent in live-bait dog training, rather than base its decision on hunting revenue. We support NRC's rule change and an end to this repugnant practice.

I urge you to reject the idea of selling live animals as dog training bait. This is inhumane and I'm hoping you have advanced your beliefs over the years and realized that all animals need to be treated humanely.

Laura Donohue, IL

Legislators wishing to appeal to the trapping community need to be aware that exposing Indiana to the increased threat of disease outbreak among wildlife by allowing live trapping and out of state "bait animal" transportation comes at a price to the general hunting and non-hunting population. Wildlife vaccines have been proven unreliable, and in some cases fatal. Wildlife may not legally be vaccinated in Indiana. The chasing, mauling, and killing of raccoons, rabbits, foxes, coyotes and cage raised birds in "hound running" is abhorrent to the general public. Many are not aware that domestic rabbits, ducks, coyotes, and foxes are used as bait in dog training exercises and that this type of dog "running" is considered legitimate recreational sport by dog running clubs. To maximize training opportunities, these actions occur in penned or fenced situations, where the bait has no hope of escape. In many cases these animals have been trapped, cramped in cages, transported, and abused prior to being released for "the run." Hoosier legislators trading votes in return for support of these trapping practices, may want to rethink their campaign strategies as the general public becomes aware of this unsavory trapper's market.

Please think long and hard before casting your vote and allow these animals to be treated humanely and please come into the 21st century and join us in protecting these animals.

Randy Merta, Chandler, IN

I would like to voice my opinion about live trapping coyotes for sale or trade. First I have been a life long trapper and hunter here in Indiana. I have hunted and trapped coyotes in several other states and feel I am 'in the know' on coyotes and trapping. I have a respect for coyotes and do not consider them the scum of the earth as some people do. I feel a coyote does the best he/she can with what they have before them. I do my best to kill them in the most humane way possible. I do not kill them outside fur season unless they are killing livestock or being a nuisance. Just running across a field does not make them a target outside fur season.

I have never live trapped coyotes to sell for dog training and for that matter have never trapped a coyote for any reason other than the fur market.

I have mixed feelings about live trapping for dog training. I have helped guys off load live coyotes to be transported south for dog training several years ago. We off loaded 200 one day from several trappers to one man from Alabama.

I would like to comment that there were 200 less coyotes in Warrick, Pike and Posey county. I would like to say that if those 200 coyotes were not sold for 50.00 each I would say that they would still be running around in the mentioned counties.

I get no good feelings knowing live coyotes will be turned loose in a pen and chased to exhaustion and then killed by several dogs. I will say at the same time after training those dogs will be used for hunting coyotes and controlling coyote numbers. \ Controlling coyote numbers is a must. Since fur prices are low and fuel cost are high coyote populations will explode in no time at all.

Here is my observation from Warrick County. Several years ago there was five trappers/hunters that was putting approx 400-500 coyotes either on fur stretchers or live trapping. We have averaged at least 300 or more coyotes per year since. In the past five years I have seen the gray and red fox population rebound nicely. I call/ trap more foxes now than I ever have. I see foxes almost daily now. I feel that the fox population has rebounded solely because of our coyote harvest.

I also hunted and trapped coyotes on a large private land holdings and would have coyotes come to my turkey calls every morning while spring turkey hunting. I took on a major trapping and hunting coyotes in that area and after three years I had removed nearly 100 coyotes and the turkey population exploded and I would hear 10-15 different gobblers every morning rather than the two or three before I removed the coyotes I am not speaking against live coyote trapping but feel that before someone makes a quick decision against that all factors need to be considered.

If live trapping coyotes is stopped then I feel the coyote population will explode in numbers and we will be taking a step backwards.

Wayne A. Langman, Vigo County, IN

I am a professional animal control trapper. And am speaking from over 30 years of experience in this field. The so called loop holes the DNR speak of the law allowing the year round taking of coyotes do not exist.

312 IAC 9-10-11 and the enabling laws IC 14-22-2-6 and IC 14-22-28 have been on the books for several decades and have always allowed the taking of problem animals. The newer law was to allow the property owner to get free coyote control without paying the fees professionals charge. While I charge from \$150 to \$200 dollars per animal the law allowed a trapper to trap without the permits required under the IAC 9-10-11, and to recoup his expenses by other means. By taking away these incentives you are closing the door on free trapping and leaving the property owner with only the professional, or do it your self control. I urge you to reject the restriction they wish to place on the property owners.

In a separate email, Langman also commented:

The DNR is attempting to get more interest in harvesting fur bearers by adding hunting to the means of harvest. However shooting the animals described damages the pelt to a point where they will be all but worthless.

Great care has to be taken to avoid any damage to the skins as the current market is so soft that any damage at all cost much of the value to be discounted. This would be counter productive to the trapper.

Rather than allowing a waste of the animal by allowing shooting, the animal harvest would be better served by letting the trapper have more freedom in marketing his catch by establishing a means to hold fur for the higher markets which come in late spring and summer. Current law requires sale when the market is at its worst.

Look at the number of fur buyers in Indiana. They have all but disappeared. This forces the Hoosier trapper to ship out of state, which means he must have his harvest ready to ship before the deadline and that takes the trapper away from the harvest its self.

If the DNR wants a bigger harvest allow the trapper the time to prepare and market his catch. That will let them make a greater catch and have the desired effect.

Patricia Gault, LaPorte, IN

I would like to commend the Indiana Department of Natural Resources for limiting the trafficking of captured Indiana coyotes for "live animal bait". However, the coyote trade should be banned year round. Trappers and hunters will not be happy but politicians need to remember they are a minority. If most Hoosiers understood what was going on they would oppose this cruel and barbaric industry. Please clarify and expand this ban and protect coyotes and all our precious Indiana wildlife.

Jennifer Krueger, Indianapolis, IN

I am submitting my comment in regard to the proposed rule change for coyotes that have been taken outside of hunting season. As a resident of Indiana and proponent of addressing cruelty to animals, I am greatly in favor of the proposed rule changes.

Roberta A. Hartz, LaPorte, IN

I strongly urge you to halt the live marketing of wild coyotes outside of season and prohibit live coyote trade year round. To use them for live bait is appalling and serves no purpose but to inflict pain and suffering. No living thing should profit from that.

Ginny Scott, LaPorte, IN

Please stop the capturing of live coyotes for use in running pens in Indiana. This cruelty must cease and the horror for these animals must stop. Please end this suffering and stop selling Indiana wildlife for cruel sport. It is truly a blot on this State and I support any legislation to halt this practice.

Christina Lager, Jylland, Denmark

The use of live animals as bait is horrific. I am completely shocked to learn that it is happening in a country like the US, which I had believed to be a developed country. It's a disgrace.

Pete Ostapchuk, Osceola, IN

I read the story in the Elkhart Truth about coyotes used as live bait. Didn't Michael Vick get himself in a jam for doing something like this? It sounds like some animals but not all, have animal rights.

Judith Kelly, Elkhart, IN

For some time I have been following the debates concerning the trapping of coyotes for the purpose of selling them as live bait for running dogs. The current proposed rule prohibiting trafficking of Indiana coyotes captured out of trapping season is an admirable step in the right direction. I cannot appeal to you strongly enough to extend this same protection to those coyotes captured during the trapping season. Even though the trapping itself is legal during the trapping season, transporting, or using coyotes as bait for packs of hunting dogs is another matter entirely. A blood sport is a blood sport no matter when it's practiced. Cock fighting and dog fighting are illegal. Please make the use of trapped coyotes as live bait for dogs illegal as well.

Holly Susan Hadac, Oakland County, MI

I am a wildlife rehabilitator from Michigan who has become increasingly interested in learning all I can about coyotes. However, I grew up in a hunting family. Hunting is a way of life in my family, although I don't hunt. I don't have any problems with it as long as the law is followed. The moment someone steps outside the law, they become a poacher and get zero respect from me and from most people. We have the letter of the law and the spirit of the law. The laws prohibit someone from wounding an animal and not attempting to find it. It therefore, in the spirit of the law, prohibits a hunter from causing needless suffering by the animal. This is ethical hunting. I fail to see where respectful, ethical hunting is represented in the realm of using coyotes or any other wildlife for "training" dogs to hunt.

But the point that really gets my attention is this: Those animals, coyotes or not, belong to the people of the state!! That is what our fines attempt to do - repay the people for the loss if an animal is illegally taken. The money goes to the state, to the people. These animals are NOT individual property, nor is it acceptable that someone should profit personally from property that belongs to the taxpayers. If I was an Indiana resident, I would be in my state capital office wanting my share of the profit people make off my property.

As a wildlife rehabilitator, I have DNR laws to follow. For example, I cannot release a raccoon in a county that it did not come from. This is to prevent the spread of disease. There have been times indifferent states' histories where diseases have been spread only because of this. Indeed, we see it happen to humans all the time. Wildlife is no different. I don't want Indiana coyotes in Michigan for this reason.

From what I can estimate, trappers are about .1% of the adult population of Indiana. How is it that such a tiny voice can even be considered compared to what the rest of the public wants? No ethical hunter I have talked to agrees with the idea of transporting wild animals around the state or country, or with live bait training, and my hunter and non-hunter friends agree that baiting is immoral and unethical. The only thing that gives me peace with this is that these unethical hunters that care only about their pockets and not about the animal's suffering, will have to answer to a Higher Power some day and will have to explain themselves. Good luck!

We all know that most people, hunters or not, are compassionate and do not want to see any species suffer, human included. Most hunters and non-hunters want prey to die quickly and without suffering. We are at the top of the food chain for a reason, and it's not just to devour everything. With power comes responsibility. I challenge you to make the law do the responsible thing.

Suzanne Huizinga, Marion, IN

Allowing animals to be trapped to be used as bait for training dogs gives Indiana such an 19th century image. This is very different than the sport of hunting. I do not want my state to be viewed as a backward looking community when conservation and wildlife are valued in other areas.

Janet Lidle, Tippecanoe, IN

I support this proposed rule banning the sale or possession of coyotes taken outside the hunting/trapping season. I especially and vehemently oppose the sale of live coyotes to be used to bait or train dogs. Not only is this cruel, it is dangerous in that it could spread diseases and other health problems from wild coyotes to domestic dogs.

Lorraine Bartela, Highlands, FL

I was in shock to read you are actually considering this...I visit IN every year, thought you were a little more civilized...if this passes, what next? Shooting or turning the dogs on old, blind circus animals leaving their cage? The US is supposed to be a "civilized country". If you would just leave coyotes alone, they would have smaller litters. I am writing to urge you to extend the DNR rule that prohibits trafficking of Indiana coyotes captured outside of trapping season to be in effect all 12 months of the year. The rule, as it currently stands, is a step in the right direction. However, it is still unconscionable to allow such trafficking 6 months of the year.

Rachel L. Saxon, Michigan City, IN

I am writing to urge you to extend the DNR rule that prohibits trafficking of Indiana coyotes captured outside of trapping season to be in effect all 12 months of the year. The rule, as it currently stands, is a step in the right direction. However, it is still unconscionable to allow such trafficking 6 months of the year.

Howard Zimmerman, Roanoke, IN

Count me as one who feels the coyote is not a varmint, and deserves reasonable protection from inhumane treatment.

Pat Rezutko, Elkhart, IN

I strongly urge passing a rule halting the live marketing of wild coyotes in any season not just in an off season. We've recently seen the conviction of Michael Vick for animal cruelty with the dog fighting events. SURELY, we have evolved past the primate stage and should not receive joy in the torture of any animal. We're supposed to be "civilized".

Lorraine Ialeggio, Ogden Dunes, IN

I would like to see the prohibition of live coyote trade year round.

Ryan A. Snyder, Carmel, IN

Recently, I was informed about the proposed rule changes making it illegal to possess a coyote from March 16 to October 14 (outside the hunting and trapping season) without euthanizing it within 24 hours. I support the changes.

Jon Eggen, Hendricks County, IN

I support the proposed rule as it is written because it is an improvement over the current rule, however, the sale of live coyotes needs to be completely banned. There should be rule language added that requires trapped animals to be either released (if wrong species) or euthanized immediately. Holding these coyotes for sale as live bait, extraction of bodily fluids or even use as research animals goes way beyond sportsmanship and fair chase. Allowing for the sale and transport of live coyotes at any time of the year also allows for the spread of disease and other unforeseen problems.

Sister Margaret Ann Nowacki, CSC Notre Dame, IN

It is hard to restrain emotions when you look into the eyes of wildly frightened animal captured in an untenable position of nowhere to flee. Please revise your rules to reflect human treatment for the entire year rather than only protect them from a "canned hunting" escapade. Thank you for listening to one voice in the wilderness of selfish macho hunters and money-makers.

Sr. Nowacki again commented:

It is my understanding that the role your organization plays is one of preservation guarding against abuse. The present decision to provide live wolves to other states that allow the cruel killing of defenseless animals is not in keeping with your loftily goals!!

Please honor the lives of all living things as we look to the future. Abuse of animals often reflects a propensity to develop that same attitude toward what some consider the less productive human beings in our society.

James E. Pauley, Jr., Granger, IN

As a tax-paying Indiana resident, I respectfully ask that you please, please modify the rules further to prohibit live coyote trade year round.

Mary Jane Norman, Indianapolis, IN

Although I would never do so, I know a very nice man who traps coyotes. However, he would never sell them to be torn apart by dogs or for any other purpose than to sell the skins. It is important that you pass a rule, effective ALL year, that these animals must be humanely killed (or released unharmed) within 24 hours. Further they should not be transported alive to any other location. There could be only a few reasons for transporting them, all of them repugnant! I recently have been learning about Indiana's coyote population and the rules governing their trapping. While the DNR has made laudable efforts to assist Indiana's coyotes, I am respectfully urging you to go a step further with the coyote rules and prohibit live coyote trade year round.

Pam Wesolowski, South Bend, IN

No creature should be subjected to the ultimate cruelty that Indiana's coyotes face with live trapping and running pen operations that take place from October to March each year- no matter how prettily their proponents would like to dress it up. It is unnecessary suffering for these animals. I am horrified by what these live coyote traders do to our coyotes. I strongly urge you to prohibit live coyote trade. You are the best hope for all of Indiana's wildlife to not be subjected to cruelty.

Shanta K. Berg, Granger, IN

Kindly request that the current rules be further modified to protect and prohibit live coyote trade 365 days in any given year. It is intolerable that these poor animals are tortured as hound fodder. Please acknowledge receipt of this email lodging my family's and my protest.

Karen A. Moscato, South Bend, IN

I am writing to you to PLEASE consider adopting the rules that protect America's coyote from further harm. Right now, as you know, the American Coyote is almost facing extinction with the growing populations in their habitats, such as Arizona and New Mexico. They have no where to go for food etc as humans keep creeping into their habitat. Now we have further cruelty by allowing trapping of these animals as "bait" for hound fodder. We sentence that monster Vick to prison, but we are baiting coyotes for hounds? What is the difference? Please protect the Indiana Coyote from being trapped YEAR-Round, not just six-months out of the year. Modify the rules to protect live coyote trade year round to protect these defenseless animals who just want a piece of this earth to live, free from harm, as we do.

Ed Lizewski, Martinsville, IN

Coyotes or any animal should not be trapped and sold to be killed for sport. What kind of state is this?

Jeff Reed Member at Large, Indiana Chapter The Wildlife Society

Indiana's Chapter of The Wildlife Society (ICTWS) is in support of the proposed amendments to 312 IAC 9-3-12. Wild coyotes taken outside of Indiana's regular hunting and trapping season should not be possessed for more than 24 hours, sold, traded, bartered or gifted. IDNR's new rule change would require that all coyotes taken from March 16 through October 14 must be euthanized with 24 hours of capture.

As The professional organization of trained wildlife ecologists, biologists, and managers in the State, we strive to promote excellence in wildlife science and ethical, responsible utilization of our natural resources. One of our chapter resolutions adopted in 2001 states our opposition to hunting behind high fences areas

and the potentially serious disease risks to native wildlife, domestic livestock, and human health associated with the importation of wild animals used for stocking of high fenced enclosures. Please note our support of this proposed administrative rule change. Feel free to contact us if you have any questions regarding our opinion on this or other wildlife related matters.

Monika M. Marjason, Elkhart, IN

I was appalled as I read an article in the Wednesday, March 5th issue of our local newspaper, The Elkhart Truth about the cruel industry of selling coyotes as "live bait" for hunting dogs. While I applaud your proposal to prohibit trafficking of Indiana coyotes captured off season, I respectfully request that the rules be further modified to prohibit live coyote trade year-round. Unnecessary suffering and disease are not restrained by seasonal limitations. This is no more than a cruel bloodsport.

Carol A. Green, Oxford, MI

This amendment is desperately needed. Without it, the sale of coyotes to be used as live bait will continue. Many are shipped out-of-state. Why? Because other states have realized that putting any animal in a pen where it has no hope of escape with hundreds of dogs to be chased to exhaustion then torn to shreds is not hunting. It isn't sportsmen like. It isn't humane. It is beneath us as the stewards of this planet and must be stopped. It's time Indiana steps up to the plate and says NO to live bait sales.

Laurie Jameson, Jeffersonville, IN

As a life-long citizen of the state of Indiana, I was appalled to learn that we are a major supplier to coyote traffickers who capture, abuse, and sell the animals to be used as prey in brutal training exercises for packs of hunting dogs. If we have decided that dog and cock fighting are unacceptable in our society, then this practice is equally cruel and indefensible. I respectfully demand that we not permit Indiana to continue to be party to this practice. Do not legalize the trafficking of coyotes.

Tracy Swiderski, La Porte, IN

I was horrified to read about the sale of coyotes for "live bait" purposes. I can't, for the life of me, see any justification in these "running pens". Since when did we start condoning cruelty to animals. I thought we were starting to get past this. I request that we change these rules to prohibit live coyote trade all year round to stop the unnecessary suffering.

Denise Thompson-Slaughter, South Bend, IN

I am writing to urge that live coyote trade be prohibited year round, and not just half the year. It is torture to use mammals, who have all the same neurological ability to suffer pain and fear as we have, for live bait. There is also the danger of disease transmission to our domestic animals, especially dogs. It is no wonder that our culture is so confused about torture. A society can be judged by how they treat the most helpless--their animals, their children, and their elderly. We could be doing better at all three.

Mara-Lea Rosenbarger, Bloomington, IN

I am writing to voice my strong concern for the future of regulation by the DNR of the trapping of coyotes. It is important that the DNR receive continued support to regulate and oversee the precious natural resources of Indiana, including coyotes. I am an elementary school teacher and witness almost daily the confusion of children in regard to the way that adults treat the natural world we have inherited. My students do not understand how adults knowingly stand by while others treat animals, especially, in cruel ways. Allowing the trapping and selling of coyotes when they will likely be used for sport and entertainment is indeed cruel and cannot be called civilized behavior at this time in history. It is well documented that cruelty to animals is not far away from cruelty to other (human) beings. I support the change in rules that would make it illegal to possess a coyote from March 16th to October 14 (outside the hunting and trapping season) without euthanizing it within 24 hours. Indiana is sadly out of step with much of the world in its attitudes and policies in regard to the natural world. Supporting this change in rules is a step in the right direction.

Randall S. Smith, Frankfort, IN

It is my understanding that Indiana's DNR has proposed a rule change making it illegal to possess a coyote outside the hunting and trapping season unless euthanized within 24 hours. I oppose the trapping industry's

campaign to bypass DNR regulations. As a matter of fact, I oppose any and all trapping of nature's "song dogs". However, I realize a law forbidding total trapping will never come to pass. Living in rural Clinton County (about 6 miles north of Frankfort), I often hear and enjoy the crooning of coyote packs roaming the country side. I would hate to see the demise of yet another chapter of wild Indiana. Please consider my plea to allow the new rule change to be put into law.

Joseph E. Vargo, Porter, IN

I am against the attempts of Indiana's trapping industry to bypass Indiana's DNR's regulations and proposals by appealing to the Natural Resources Committee. I support the proposed DNR rule change making it illegal to possess a coyote from March 16 to October 14 without euthanizing it within 24 hours.

Jeanne Martin, Granger, IN

I read that you are taking action to stop the sale of coyotes for "live bait" purposes six months of the year, and want to commend you for your efforts. However, I respectfully request that the rules be modified to prohibit live coyote trade year-round. It's just the right and humane thing to do. No animal should suffer such a horrifying ordeal such as occurs in these running pen operations. I want to officially register my objections to selling Indiana's wildlife for use in such a cruel industry. Thank you for your consideration. If you can do it six months of the year, let's go for the entire 12!

Richard Weiner, Indianapolis, IN

I have read the proposed rule changes concerning coyotes and agree with those changes to not allow the possession of coyotes outside the current hunting season.

Mike and Beth Dean, Clarksville, IN

We urge you to STOP the inhumane capture and transport of live coyotes for out-of-state use as bait for hunting dogs. Coyotes are wild creatures that deserve the protection and strict regulation afforded other wild animals. The baiting of live coyotes is barbaric and outrageous! Please stop this atrocity.

Mary Wiseman, South Bend, IN

I was appalled and saddened to learn of Indiana's role in supplying coyotes to dog fighting rings. Not only is the treatment of these animals cruel and inhumane, it is also detrimental to Indiana's ecosystem. Any time I hear of inhumane treatment or confinement of an animal, I am shocked and angry. But knowing that Hoosier hunters and trappers are actively seeking the "right" to continue to subject coyotes to the torture of live bait dog training and other cruelties is too much to bear. I try to be as open-minded as I can about hunting, assuming that responsible hunters attempt to limit animal suffering and use as much of the killed animal's meat and hide as possible. However, as I read about Indiana coyote hunting practices, it is difficult to remain objective. Neither sport nor tradition appears to be the motivation for such cruelty. What possible reason can there be for this torture, other than pure greed?

The DNR's proposed rule changes to help protect coyotes must be enacted. I hope that responsible hunters will speak up along with wildlife activists to end the inhumane acts and the devastation of our ecosystem.

Jerry Dittmer, Paragon, IN

I support the proposed rule package, specifically revisions to 327 IAC 9-3-12 and 327 IAC 9-3-14.5. I do not support the live sale of wild coyotes within Indiana or to other states, although I do support fair chase hunting and trapping of these animals. My concern lies primarily with the potential for the spread of disease to other states or to different areas of Indiana if a disease outbreak occurred. It is my understanding these animals are not required to be inspected for health by non-partisan inspectors before such sales occur. I also feel in some instances, depending on the eventual end-use by the buyer, there are occasions where ethical standards regarding humane treatment of wild animals may be in question.

Bill Hill, Anderson, IN

I feel too many restrictions are being made on coyotes. I live in Anderson city limits. I saw Coyote run thru our neighbor hood chasing a rabbit. Will children be next? I feel you under estimate what a coyote could do.

Jay A. Dudley, Ripley County, IN

The following changed section mentions that a landowner or person designated in writing may take a coyote anytime, but states that it must be euthanized. Since this doesn't mention the means of "take", I would assume that a person could potentially shoot a coyote with a weapon. My question is how do you euthanize a dead coyote?

Richard Warvel, Wayne, IN, Wayne Co Coonhunters Assoc

Sounds fine to me. The coyotes are THICK here in east central Indiana.

David Laswell, Winslow, IN

I would like to offer some comments on the trapping coyotes to be shipped to high pen enclosures for "sport" chasing by dogs. For years "sportsmen" have been buying and breeding mountain curs, black mouth curs, indicating possible breeding with chow, crossing these dogs with various fox and coonhounds for pursuit and fighting/killing coyotes.

I asked one of my acquaintances if he sold the pelt. He replied there were never enough left to sell. They had a few dogs from the pack injured and occasionally a dog killed, but the pack was successful on most nights. I have known of this for 15 years in Southern Indiana. I have acquaintances from a neighboring county that are now breeding bull dogs (Pit bulls) to various chase dogs. They will release a pack on one county road to chase to the next county road, retrieve the first pack and release the second pack, etc. Usually the 2nd or 3rd pack manages to catch and kill the coyote. The new breeding is said to produce very efficient killing dogs.

While I am troubled by this type of hunting most of it is done when there is a large concentration of coyotes. And some of these men have farms where cows, horses, goats, etc. could be harmed by the coyotes. These coyotes are in a fair chase hunt and the option of relocating to a new area, or learning to avoid the farms and the hunters. However, I would not advocate stopping the hunting of coyotes in this manner.

I am very opposed to the sportsmen and the state of Indiana to get involved in shipping animals to high pen operators. An enclosure of 100 acres (even 500 acres) is not a fair chase situation. The coyotes would never have the option of relocation or escape. They would be chased time after time until caught and killed by a pack of dogs bred and trained to fight. These operators could not continue in business unless they had a high percentage of hunts that resulted in a kill. With no supervision or regulation of these operators what would stop them from special hunts in a 100 foot enclosure with coyotes and Michael Vicks' pit bulls. No stretch of the imagination of people who operate high fence hunts for huge profits for themselves; Indiana sportsmen and the Indiana Department of Natural Resources have no business participating in this blood sport.

I would, however, like to see Indiana's coyotes changed to a status of unwanted varmint. I would like to see a year-round open season on trapping, shooting and fair chase on these predators. I would even support a state bounty on them. I feel the coyotes have a detrimental effect on game animals and small predators such as fox that would have a more healthy balance for our state and sportsmen. In my area coyotes are a threat to farm animals, and pets as well as game animals. But, I would never support sportsmen or IDNR being involved in any blood sport which is a problem in our country today. High fence operations and their operators pose a risk that could result in a black eye for sportsmen and all that may be in any way involved.

Crystal Grave, Indianapolis, IN

I am highly opposed to the trapping of live animals, rabbits, coyotes especially, to be used in any manner. I find this entire bill and noted changes to be highly disturbing. I hope we will find future legislation that moves away from the overall use of wild animals in any trapping or hunting activity.

Jim Dicken, Louisville, KY

I see absolutely no reason for this rule change to prevent the trading or gifting of Coyote hides outside of hunting seasons. In reality hunting season IS IN all the time for Coyote's.

Beyond that it would seem to deter people from hunting Coyote's. Since Coyote's are a detriment and not native to the area, I do not understand why you would encourage people to shoot them on one hand and tell them to waste the hides by throwing them away.

Beyond that the law as written is extremely confusing.

Must be euthanized? Hides can not be traded, gifted Etc? Well if you are trapping a coyote the purpose is to KILL it as a nuisance species. Encouraging the waste of any resource is against the code of most hunters. While Coyote's can not be eaten their hides can be used and not doing so goes against all instincts of most hunters. Does this law mean I can not have the hide mounted? It appears to say bury the animal period.

David A. Deem, Vincennes, IN

I am in favor of the new Coyote Rules Package as drafted. As a lifelong hunter, fisherman and sometimes trapper, I have nothing against the taking of wildlife for food or pelts. However, I do oppose the sale of wild animals for the purpose of placing them in pens so they can be shot (deer or any other animal - indigenous or exotic). Likewise, I oppose the penning of coyotes or other animals (raccoons or rabbits) for purposes of running or training chase hounds or dogs. I have trained trailing dogs and I have never had to resort to confinement of the target species to successfully train the dog.

Joe Kabat, Noblesville, IN

These are predators and nuisance animals. I do not understand why if I shoot a coyote on my private land, want to skin it, freeze it for later tanning I am not allowed to do this?? What is the harm?

Caroline W. Bourdon DVM, Argos, IN

Please do not allow live animals, including coyotes to be used as live bait. This is a horrific practice. To paraphrase my earlier e-mail. Live animals are not bait and should not be used as such.

Joe Bacon, Switzerland County, IN

I completely support the new rule as written, thank you for taking a strong stand that wildlife in Indiana is not for live sales. I believe we should extend the "sale, gift or barter" of a live fur bearer year round. The door is being left open for sales to penned operations during the normal trapping seasons. Licensing under the game breeders permits should also export or import of live foxes and coyotes. Fur and urine collection is acceptable to both sportsmen and most of the general public, I don't believe the running and killing behind a game proof fence is acceptable.

Jeff Capps, Wadesville, IN

I do not support this rule change. There should be open season on coyotes 7 days a week 24 hr. a day 365 days a year. We don't have other game such as fox, rabbit, quail, and so on because of the coyote. If you give the coyote protection this will only get worse.

Donald Wilson, Vincennes, IN

In a time when trapping faces so much opposition, we as trappers, need the cooperation of our State Department of Natural resources. The coyote market in Indiana has taken a major blow due to the criminal actions of a select few. We as law abiding, ethical trappers should not lose a viable market for a species that can earn revenue for man youth, outdoorsman in this state. As well, the state should not abandon a valuable tool in coyote control due to the actions of a few. The clear solution is a system where year round coyote harvest is acceptable but well regulated. The State of Indiana is on the verge of doing a huge disservice to its land owners. Coyotes have already begun to show how much of a problem they can be. We as trappers can take a problem and utilize it as a valuable renewable resource. All parties can win in a situation that is very tense at this time.

Kathy Sargent, Merrillville, IN

I support the IDNR's proposed rule change to prohibit bartering, sale, transport, or housing of live coyotes. The practice for any animal transcends cruelty!

Jesse Knox, Van Buren, IA

Hello Now, I am not a resident of Indiana, but I sympathize for the individuals who participate in the live market. Many other individuals think this is a cruel activity... well I think otherwise. The coyote has always been an animal who has managed to adapt and reproduce quickly and fully. That's a major reason for most states to have a year-round coyote season. This animal is useful in the controlling of varmit and once in a while a young fawn or sick deer. However, this animal can once in a while be a pest to ranchers and landowners. Also it can be a pest to its own species. For one example, mange. Mange is a disease that I find the second worst way to go, when comparing to distemper. Now, picture yourself as a coyote... you have been in the woods your whole life, you had tough paws and fur to protect yourself from the brush and rocks. However, one year there's not enough food. You get weaker along with your immune system... and then disaster strikes! Your itching like crazy, so crazy your opening up sores and blood. You begin to lose all your fur. You're now naked and your home is now a killing field. Glass and torn up beer cans scar up your feet, thorn bushes and honey locust trees tear your skin. Then you get caught in a barb wire fence... eck. Then sweet death comes in winter. You slowly get numb and you fall asleep in your soft white snow blanket, which will be your grave... fun life with mange, huh? The whole point of that little descriptive is to show why trapping is important to the coyote. It helps lower competition, provide more food for taking out other coyotes, and gives them more of a better way to go. However, there are not many trappers out there even though these trappers might have 550 sets for coyotes... still not enough. So, that's why there is a live market, which to me is like a spa treatment for a couple of weeks. I have heard of the "inhuman treatment" that the coyote has gone through, but that was one moron. Possibly a few more, but I'd say 95% of them treat the coyote right. When the coyote is treated for the live market, they're fed, they have bedding, they drink fresh water, and also are vaccinated from distemper, mange, or any other cruel diseases. Then they're sold to a guy who takes them from a pen to a free open pen. From 300 to 3000 acres big. It's free! It's still taking care of too. Of course, it has a little problem... surviving the dogs. Which it can, for they might be not as smart as the red fox, but smart enough to elude a bunch of red walkers! Also it is not alone. There are other coyotes, which the dogs will run off to chase. Yes, once in a while a coyote will die due to old age or get torn up by dogs, but what animal hasn't? In my opinion, the live market is another excellent tool to help manage the coyote population for it helps prevent mange and distemper due to vaccinations. Besides, the best part for the trapper is he or she receives a good fat pay check from the buyer! Also, I know a few individuals who sell the urine of coyotes to lure companies so they make double the cash! So, how can the men and women of the Indiana Department of Natural Resources honestly say to the trapping community of Indiana that the live market should not continue? Thank you for giving us the opportunity to post our opinions.

Nan Ames, Valparaiso, IN

I feel that this should be banned everywhere as these are helpless animals. Not only coyotes, rabbits and raccoons, who knows what else they are using for bait. This is a disgrace. These animals are innocent and end up having a horrible death. Is this fair? This is not hunting. It is like a canned hunt. Those animals don't stand a chance either. Laws need to change to protect animals as they do not have a voice. That is why we have to speak up for them to save them.

Andie Wolfensohn, Long Beach, IN

Please support the IDNR's proposed administrative rule change to prohibit the bartering, sale, transport and housing of live caught coyotes outside the regular trapping season.

Angela Bridgewater, Terre Haute, IN

I am writing in support of the Natural Resources Commission considering a rule that would close the live market for part of the year. I also support a year-round ban on the live sale of coyotes and foxes. The practice of using our Indiana wildlife to train hunting dogs is very inhumane. I am saddened to know that it currently goes on.

I wanted to voice my opinion in that I am in full support of a ban on the live marketing of Indiana wildlife. I would very much like to see the current loophole that enables live market trappers to exploit the resources outside of the legal trapping season (that runs October 15th-March 15th, annually).

Jennifer Cunningham, Kouts, IN

I am very much against the use of wildlife in penned hunting or training operations altogether, trapping season or not. I feel that it should be prohibited to use, sell, and/or transport live coyotes or other wildlife to be used as live "bait". I would appreciate your time and consideration regarding this issue.

Mark Wernert, Harrison County, IN

I think that control of the coyote population will only be achieved by allowing them to be listed as a nuisance animal and be taken any time with no restrictions what so ever. Any market that is available to encourage Trappers and Hunters to engage in their harvest should be given consideration for the wise use of the resource. If coyote populations are not controlled, we will continue to see a decline in our red and grey fox, upland birds, rabbits, other small game and assault on farm animals and family pets.

Tim Rose, Columbus, IN; Fur Takers Of America

The IDNR has completed the Economic Impact Assessment for this Proposed Rule. We disagree with the assessment and there is a real "negative" impact on small business men, the community & Trappers. It cannot be ignored, and to say there is "No" economic impact is a disservice to the rule making process.

The IDNR's Economic Impact Assessment along with the Proposed Rule should be withdrawn and is misleading with little facts or efforts to get "true" hard numbers or real input.

A Rebuttal by Fur Takers of America

A proposal has been made before the Indiana Natural Resources Commission by the Department of Natural Resources Division of Fish & Wildlife to outlaw any end use of coyotes captured or otherwise harvested between March 16 and October 14. This proposal is hereinafter referred to as the euthanasia proposal.

As stated in the DNR analysis of the euthanasia proposal, IC14-22-6-12 allows coyotes to be legally taken or otherwise harvested year round by persons who possess land or by persons authorized in writing by someone who possesses land. Contrary to the DNR's analysis document, the original purpose of the law (ca. 1987) was solely and entirely to reduce the coyote population in the state of Indiana. The purpose of the law was not to provide an opportunity to farmers and other landowners to take a few specific nuisance animals. Those two concepts, population reduction vs. specific nuisance animal control, are markedly different. The statement as to the original intent of the law has been verified by a trapper who attended every hearing associated with the development of the language of the law and by legislators who participated in the final adoption of the law. A person must study the law to understand that there are distinct harvest rules and regulations as well as distinct nuisance animal rules and regulations. This is not a discussion of nuisance animals but rather legally harvested furbearers.

The coyote population began to greatly expand in numbers and range throughout the mid-1980s and landowners wanted fewer coyotes. The legislature obliged the interests of the landowners through passage of the law which allows year round coyote harvest. The current effort by the DNR to restrict the end use of legally harvested coyotes undermines the intent of that legislation. Senator Young of District 47 has stated that an investigation by the Administrative Rules Oversight Committee will occur if DNR's coyote euthanasia proposal is adopted.

The euthanasia proposal would only prohibit the sale of live coyotes legally harvested between March 16 and October 14. Coyotes legally harvested between October 15 and March 15 of the following year would still be allowed to be sold alive. The logic involved in the proposal makes no sense. The end use of a legally harvested furbearer should not depend upon the calendar date of harvest. For example, a coyote harvested March 15 may be sold alive. If the euthanasia proposal is adopted, that same coyote, if it had been harvested instead a day later on March 16, would have to be destroyed and no economic benefit realized. The DNR has strict rules pertaining to wanton waste of harvested animals but those rules are seemingly being ignored with respect to the euthanasia proposal. The DNR continues to claim that the disposal requirements of the euthanasia proposal do not constitute wanton waste based upon the nuisance

animal removal language of 312IAC 9-10-11. The DNR's claim is based on flawed logic because, as stated previously, IC 14-22-6-12 is a harvest or consumptive use law, not a nuisance animal removal law.

The definition of "take" provided at IC 14-8-2-278 does not prohibit the sale of live coyotes, as the DNR analysis erroneously states. The Indiana Administrative Code at 312 IAC 9-2-3 specifically allows for the sale of furbearers. Coyotes are furbearers and may be sold, dead or alive.

Live coyotes are predominantly sold to running or dog training pens. The coyotes are not routinely killed by the dogs at properly run facilities despite the DNR's repeated claim to the contrary. There are indeed fair chase principles utilized. The overall size of the enclosures often exceeds several hundred acres and escape cover is provided for the coyotes. The coyotes are routinely provided food and water. Escapes from the enclosures are extremely rare. The IDNR will show you an instance where an multi-year investigation occurred at ONE "Competition Hunt". This is not a regular activity with 90% of the pen owners across the States. Fur Takers of America (FTA) does not support "Competition Hunts" where coyotes are or could be killed and those States Fish & Wildlife Agencies are addressing those issues. Don't punish Indiana Trappers for problems located in other parts of the Country and please don't derail Trappers number one reason to harvest and control the coyote population in Indiana.

The fair chase principles utilized at the coyote running pens are certainly similar to other activities sanctioned and endorsed by the DNR, including shooting of put and take pen raised pheasants, trapping muskrats and beavers at den entrances, and hunting deer with telescopic sighted weapons. The difference between the running pens and the other aforementioned activities is that the goal of the running pens is not to kill the coyotes whereas the other activities have one goal which is the death of the pursued wildlife. A person must ask themselves which of the listed activities most promotes the welfare of wildlife. The obvious answer is coyote running pens.

A statement was made in the DNR analysis as follows: "The DNR believes that the sale of live coyotes promotes the commercialization and privatization of wild animals, which is contrary to the statutory mandate and the mission of the DNR." This statement directly contradicts the aforementioned allowances of 312 IAC 9-2-3 wherein the sale of furbearing mammals or any parts thereof is specifically described as a legal pursuit. Monetary gain is, and always has been, the driving force behind the pursuit of furbearing mammals. That has been the case since this great nation was explored and founded and that monetary factor is still present today.

Once an animal is legally captured or otherwise legally harvested or taken, it is no longer the property of the citizens of the State of Indiana. This fact is outlined at IC 14-22-1-1. Live captured coyotes, once legally taken, are the sole property of the individual who harvested that animal, no longer the citizens of the State of Indiana.

A statement on the potential for the spread of disease has been disseminated in the DNR analysis. Domestic dogs and coyotes are susceptible to the same parasites and diseases, including all those listed in the analysis. Domestic dogs, in addition to coyotes, routinely cross state boundaries, both free ranging and captive animals alike. The only difference is that the number of domestic dogs that travel within this nation dwarfs the number of coyotes that are traded and transported during live market activities. The potential for the spread of disease by the transport of legally captured live coyotes is miniscule when compared to the potential for the spread of disease presented by the daily, immeasurable number of domestic dogs transported throughout the nation. Countless domestic dogs go unvaccinated despite the ease of acquiring the care of a licensed veterinarian. The threat of disease transmission resultant from live market coyote activities is statistically improbable. Animals utilized in these activities are healthy, robust, non-diseased animals. The disease transmission threat is little more than emotion-based rather than science-based rhetoric. Indiana has a very healthy coyote, takeaway the reason to harvest the coyote and that will change quickly as overpopulation of a species is never a good thing as mother nature will take its path on equalizing the levels and this is accomplished through Mange & Rabies. The real threat of disease is to Indiana's wildlife, domestic pets and our citizens if the coyote population is left unchecked.

In the Evaluation of Benefits and Costs section of the analysis, many egregious errors and omissions exist. The cost-benefit analysis implies and the fiscal impact assessment specifically states that there is no live coyote market economic benefit to trappers. Nothing could be further from the truth than those ridiculous statements of no economic benefit. A Warrick County trapper has, over the last five years, sold a confirmed 550 live coyotes for an average of \$90.00 per coyote. That equates to \$49,500.00 of real income generated by that individual. A Parke County trapper has sold a confirmed 378 live coyotes for an average of \$50.00 per coyote. That equates to \$18,900.00 of real income generated by that individual. During the same time period, that Parke County trapper averaged \$9.00 for 99 coyote pelts from animals that were unmarketable to the running pens for various reasons. The \$50.00 to \$90.00 average per coyote received by those trappers covered their production costs and generated real income for those individuals, a fact that is indisputable. It is similarly indisputable that the \$9.00 average for pelted coyotes did not cover production costs. Without the potential for profitable live market coyote sales, there will be no effective, widespread coyote control provided to the citizens of Indiana. There are estimated to be 500 trappers in our state that have benefited from the sale of live coyotes. Live market coyote sales provide the economic incentive for trappers to pursue the animals. There will continue to be hobby hunting and hobby trapping but no real control will occur without the economic incentive provided to trappers by live market coyote sales.

A discussion of the guaranteed costs to landowners and the citizens of the State of Indiana has been completely omitted from the DNR analysis. Communication with licensed nuisance control trappers reveal the costs charged by these small businessmen during coyote control efforts. During recent trapping efforts, citizens and municipalities have been billed a \$250-\$400 set up fee and up to \$100-\$300 per coyote trapped. These animals could easily have been trapped at little or no fee had the DNR not aggressively pursued the elimination of live market coyote trapping. Livestock growers, pet owners, and other animal and wildlife enthusiasts will continue to see an increase in coyote predation from the ever burgeoning coyote population. Those livestock growers will realize higher production costs resultant from lost animals and previously unnecessary payments to licensed nuisance control trappers. Again, effective coyote control in the form of significant population harvest will not occur without the economic incentive provided to trappers by live market coyote sales. Newspaper articles which chronicle the loss of animal property will become evermore prevalent as the coyote population grows and coyote habitation advances into more urban areas. One of the aforementioned nuisance control officers recently captured coyotes in the urban setting of Indianapolis near the intersection of Lafayette Avenue and 62nd Street as well as immediately northeast of the Broad Ripple McDonald's, just off of the Monon Trail. It is indisputable that numbers of similar human/coyote conflicts will rise as the coyote population rises.

Page three of the DNR analysis makes a feigned effort to examine alternatives to the ban on live market sale of coyotes. An obvious alternative that has not given "real" considered includes embracing the live market coyote trapping process through establishment of regulations that encourage wise and humane use of a valuable, abundant and renewable resource. Rather, the DNR has sought to steamroll the effort to outlaw an activity that generates real income for trappers through the utilization of faulty logic, emotional mistruths, and misinterpretation or misquoting of laws and regulations.

Disgusting photos of inhumane coyote treatment were presented by the DNR's Director of the Division of Law Enforcement, to the legislators participating on the Natural Resources Summer Study Committee. This type of emotional propaganda has become the DNR's standard operating procedure during the discussion of this matter rather than discussing the facts associated with the current process. The scenes depicted in the presented photos do not represent normal activities that occur at the running pen facilities.

Page four of the DNR analysis mentions discussions with a single trapper as the DNR developed their analysis. There has been little outreach to the entire trapping community during the effort to develop regulations pertaining to live market coyote sales. Trapper/DNR meetings were arranged only after development of the Rule proposal. The meetings were arranged only through the diligent effort of the members of the Fur Takers of America. The meetings have been one sided with respect to a willingness to discuss the facts of live coyote harvest and live market sales. There was little willingness by DNR representatives to discuss any alternatives to the complete banning of live market sales of summer caught coyotes. The result of this lack of communication and lack of cooperation has resulted in the alienation of trappers and the development of mistrust for the DNR by trappers.

The euthanasia proposal as presented to and preliminarily adopted by the Natural Resources Commission in September 2007 must not be allowed to be adopted. The inherent negative economic impacts to the trappers and citizens of Indiana and the falsehoods utilized as rationale for the proposal demand that the euthanasia proposal be withdrawn.

Rose again commented:

Indiana Fur Takers of America Official Comment, jointly representing 4,000 + Trappers in the State.

Comments on proposed draft changes to IAC 2.312 IAC 9-3-12

The Indiana Code (IC) and Indiana Administrative Code (IAC) allow the taking of coyotes on private property at all times of the year. The allowable disposition and use of any legally taken coyote should not be determined by the date of capture.

The Indiana Administrative Code at 312 IAC 9-3-12 refers to the taking of furbearers and is intended to be a consumptive use administrative code. A coyote or any other furbearer lawfully taken under the authority of a consumptive use Trapping license should be consistent with this section of the regulations.

The authorized disposition of a coyote taken lawfully from private property on March 16 should be the same as if it was taken on March 15. The understood intent of 312 IAC 9-3-12(d) was to extend the season for taking of coyotes on private lands at any time of the year. In no way can the following excerpt from 312 IAC 9-2-3 be interpreted to mean that the disposition should be different based on the time of year or location the coyote was taken: Protected or regulated wild animals, live, dead, or the meat there from, cannot be sold, traded or bartered. (Exceptions: LAWFULLY TAKEN FURBEARERS, squirrel tails, deer hides, antlers, hooves, and cured feathers MAY BE SOLD.) A coyote is a Furbearer and there is "No" closed season. We feel the IAC by term "dispose" in the current Rule 312 IAC 9-3-12 regarding coyotes is against IC 14-22-16-2 (A Coyote can be taken any time of year with written permission) and is undermining the intent.

*Side note: The IDNR has stated over and over that the Indiana Code (14-22-16-2) was created for control of "nuisance" coyotes. This is misleading. The disposition and creation of the (IC) code was to have the ability to harvest coyotes year round regardless if they are a "nuisance" or not. This is pure speculation by the IDNR and has no bearing on the proposed rule.

Please help Trappers, farmers and landowners with this issue and keep any possible (legal) market open. Help us have a reason to help control the coyote population for years to come.

Indiana Fur Takers of America

Comments on proposed draft changes to 312 IAC 9-3-14.5 Possession of Furbearing Mammals:

Trappers and Coon Hunters across the state of Indiana request to have the ability to possess the untanned hides of Furbearers year round.

Trapping and the Hunting of Furbearers is a long-standing tradition in our Country as a means of generating "real" income for families of all life styles. Millions of dollars a year is pumped into the National economy as a direct result of Wild Fur sales.

Indiana's IAC 9-3-14.5 concerning Furbearer's Hides having to be out of the Hunter or Trapper's possession within 20 days after the close of season puts Fur Harvesters at a disadvantage to other key States across the country that harvests similar quantities/quality of wild fur.

Some states make accommodations for the Hunter or Trapper to possess wild fur all year long and allow them to sell when the market is on an "upswing" instead of being a "down swing". Fur Buyers, knowing we have "no choice" but to dump our fur before the end of the 20 days can take advantage of this situation and the benefit is not the Hunter or Trapper. The Fur market is very similar to the stock market. Without the

ability to control the product (in this case wild fur) that is flushed into the open market at the close of season it could and does have an adverse effect when the market is down. We all know what flooding a market does with a weak global economy.

Let's take Indiana fur production into this global economy and give us the chance to market our furs at optimum sales value. This will benefit the Hunter, Trapper, and bring home more working capital into our State economy.

So, again we request that the 20-day holding period on Wild Furs (before it must be "dumped") be lifted.

Below is a letter of support from the Hoosier Tree Dog Alliance on this issue.

"I certainly can understand the frustrations that trappers and hunters, all over the state must experience, when at the end of the trapping season the price of fur plummets due to the fact that buyers know and understand that you have only mere days before you must divest yourselves of your fur. You have the permission of the Indiana Beagler's Alliance to use this letter as proof that the Alliance and its members and supporters soundly support changing the rules to allow possession of legally obtained fur year round. Since the Alliance does have a large number of the states Coon hunters in its fold we would appreciate being kept in the loop so we can help with the issue."

Sincerely

Jack Hyden

Indiana Beagler's Alliance

Below is our recommended changes to the Proposed Rule in question.

In Section 14.5 we removed "untanned Hide" from the wording and left "unprocessed carcass". We feel this is the only change needed for this to become a reality for Hunters and Trappers wishing to market their Furs effectively.

We also changed the wording under the Coyote possession rule change to be able to control what can be done with a coyote outside of Oct.15-March 15th and give the ability for the IDNR to track sales and give "true" year round harvest data.

312 IAC 9-3-12 Foxes, Coyotes, and Skunks

(d) A person who possesses land, or another person designated in writing by that person, may take coyotes on that land at any time.

312 IAC 9-3-14.5 Possession of Furbearing Mammals

Authority: IC 14-22-2-6, IC 14-10-2-4

Affected: IC 14-22

Sec. 14.5 (a) A person must not possess the unprocessed carcass of any of the following species that have been lawfully taken for more than 20 days after the close of the hunting or trapping season:

- (1) red fox (*Vulpes vulpes*),
- (2) gray fox (*Urocyon cinereoargenteus*);
- (3) striped skunk (*Mephitis mephitis*);
- (4) beaver (*Castor canadensis*);
- (5) mink (*Mustela vison*);
- (6) muskrat (*Ondatra zibethicus*);
- (7) Long-tailed weasel (*Mustela frenata*);
- (8) Virginia opossum (*Didelphis marsupialis*), and
- (9) raccoon (*Procyon lotor*).
- (10) Coyote (*Canis latrans*)

(b) A person must not possess a live furbearing mammal listed in subsection (a) outside of the hunting or trapping season except if otherwise authorized under this article.

(c) A coyote taken under 312 IAC 9-3-12 (d) from March 16 through October 14 must be:

- (1) euthanized within forty-eight (48) hours of capture;
- (2) Transferred within 48 hours to a person holding a game breeders permit, or fur buyers license.

Christy Shook, Muncie, IN; Kelly Haluda, Indianapolis, IN

Indiana Natural Resources Commission Dear Commissioner, I strongly urge the Natural Resources Commission to pass a fullban on selling live coyotes across state lines. A partial-year ban is not enough. Stopping live sales permanently is the only humane choice. Indiana's wildlife belongs to all the people of Indiana, and as a resident of this state I do not want our wildlife to be used in a cruel and inhumane blood-sport. Coyotes who are trapped in Indiana and released in wildlife pens are chased continually by packs of dogs. Additionally, studies have proven that conditions inside hunting pens easily lead to the spread of wildlife diseases. Thank you for your consideration of this important issue.

Cathie Ferguson, Hammond, IN

Indiana Natural Resources Commission Dear Commissioner, Please support a year-round ban on selling live, trapped coyotes across state lines for use in wildlife pens. The cruelty the wild coyotes experience in hunting pens is not unlike that of hog-dogging in the South: The pursued animals cannot escape the dogs and are ultimately torn to shreds by the pack. The sales of Indiana's wildlife for this blood-sport should be banned for humane reasons alone.

Scarlet K. Long, R.N., Indianapolis, IN

Indiana Natural Resources Commission Dear Commissioner, I strongly urge the Natural Resources Commission to pass a fullban on selling live coyotes across state lines. A partial-year ban is not enough. Stopping live sales permanently is the ONLY humane choice!! Indiana's wildlife belongs to ALL the people of Indiana, and as a resident of this state I do NOT want our wildlife to be used in a cruel and inhumane blood-sport!!!!!! Coyotes who are trapped in Indiana and released in wildlife pens are chased continually by packs of dogs. Additionally, studies have proven that conditions inside hunting pens easily lead to the spread of wildlife diseases. This is just one more "sport" practiced by subhuman sadists!!!!!! And, I am 100% sick of those--especially Hoosier ones!!!!!! Thank you for your consideration of this important issue.

Janie Stephenson, Edwardsburg, MI

I am writing to protest the sale of coyotes for "live-bait" purposes in Indiana. The coyotes should be protected from sale all year long. It is unthinkable that human beings would treat animals in such a manner.

J Hopkins, Muncie, IN

Indiana Natural Resources Commission Dear Commissioner, Please support a year-round ban on selling live, trapped coyotes across state lines for use in wildlife pens. There is no fundamental difference between man and the higher animals in their mental faculties... The lower animals, like man, manifestly feel pleasure and pain, happiness, and misery.-- Charles Darwin

Deborah Lafata, Plainfield, IN

Indiana Natural Resources Commission Dear Commissioner, Please support a year-round ban on selling live, trapped coyotes across state lines for use in wildlife pens. This is simply a cruel act and it is unnecessary for Indiana to participate in this training. We are not good neighbors to the states that surround us who have 'banned' this type of training. Indiana must step into the 20th century; I have given up on Indiana stepping into the 21st century. I support a ban on coyote trafficking. I worry that this will also make its way into dog fighting if it has not already. Let's not aid the law breakers in other states by supplying them with a kill.

Karalyn Kendall, Bloomington, IN

Indiana Natural Resources Commission Dear Commissioner, Thank you for considering restricting the sale of live coyotes across state lines. But a partial-year ban is not enough. I'm writing to urge you to support a

year-round ban on the export of live coyotes to other states. As I'm sure you know, live coyotes are currently exported for use in a cruel and unnecessary practice intended to train hunting dogs. These coyotes experience unjustifiable stress while being confined and transported, only to face an agonizing, prolonged death. Moreover, they pose a disease threat to wildlife in neighboring states. Whatever the time of year, no one should benefit from such an inhumane and irresponsible practice, especially given that there are many other methods for training hunting dogs. Please help put an end to this needless suffering.

Melissa Simmons, Monroe County, IN

Coyotes being traded for canned hunts is a horrible thing and brings shame to this state. Please pass this amendment!

Talitha Day Fair, Ph.D., Warsaw, IN

Although I personally dislike coyotes, especially since one or more was responsible for the death of two much loved pets, I support any rules, regulations, or laws that prohibit the mistreatment and torture of coyotes. Turning coyotes into an enclosure to be torn apart by dogs is morally WRONG. When the coyote killed my Tigger, he was just doing what nature has built into him. When we set up a situation that pits one animal against another in a to-the-death battle, are we just doing what nature built into us? Or are we making a choice for evil?

Kathy Gruber, Avon, IN

Indiana Natural Resources Commission Dear Commissioner, Please support a year-round ban on selling live, trapped coyotes across state lines for use in wildlife pens. Please help the wild coyotes. They, like many animals in the state, need our help. The coyotes need to be protected.

Catherine Leep, Elizabeth, IN

I have just been made aware of the consideration being made by your organization to prohibit the sale of live coyotes across state lines during the entire year. I would like to voice my support for this important step. All animals deserve more respect than this. It is so inhumane and makes me sick to think about this cruelty. Please-please-please do something about it. Please do the RIGHT THING and provide protection for these beautiful creatures against cruel and disgusting human sports such as this. Thank you kindly for taking the time to read my email. It is very personal and important to me.

Dee Mirich, Merrillville, IN

Indiana Natural Resources Commission Dear Commissioner, I strongly urge the Natural Resources Commission to pass a full ban on selling live coyotes across state lines. All Of Your Help For Our Coyotes Is So Greatly Appreciated. For All Of Your Care. The Coyotes Are From God. Dogs Spelled Backwards Is God. They Need To Be Very Safe And Protected. They Deserve To Be Treated With Love. Your Support Means A Lot. Know That All You Do Is So Heartfelt. Keep Being God's Beacon That Shines.

Janette Teevan, Indianapolis, IN

Indiana Natural Resources Commission Dear Commissioner, I strongly urge the Natural Resources Commission to pass a full ban on selling live coyotes across state lines. A partial-year ban is not enough. Stopping live sales permanently is the only humane choice. Please. This is such a horrible practice! Indiana's wildlife belongs to all the people of Indiana, and as a resident of this state I do not want our wildlife to be used in a cruel and inhumane blood-sport. I think it is one of the most disgusting things I have ever heard and I certainly rank it right up there with another so-called "sport" - dog fighting! ** Not to mention that removing such an important natural Indiana predator has shown, time and time again, that it wreaks havoc on the whole eco-system! Would you like to be over run by rabbits and rats and other rodents? I sure do NOT! ** Coyotes who are trapped in Indiana and released in wildlife pens are chased continually by packs of dogs where they can not escape. This also easily leads to the spread of wildlife diseases. Thank you for your consideration of this important issue.

Kasey LaPlace, South Bend, IN

Indiana Natural Resources Commission Dear Commissioner, Please support a year-round ban on selling live, trapped coyotes across state lines for use in wildlife pens. Everyday I become more aware of just how

inhumane the world is for animals. If this legislation can be passed to stop the sale of Indiana's wildlife, it will be a great big step toward more humane treatment for all of God's creatures.

Laura Clem, Elkhart, IN

I support the IDNR rules clarification and do not want our Indiana wildlife to be sold for live bait dog training. I think this is a horrible and inhumane way to deal with coyotes and it is also teaching other animals to kill for sport.

Deb Conner, Tennyson, IN

I most adamantly support the proposed IDNR restrictions that would prohibit using coyotes, foxes and other Indiana wildlife as "live bait training". That has to be one of the most horrendous, unjustifiable and barbaric "sports" that I have ever seen. Indiana's wildlife belongs to all of us, and I'll be damned if I allow any animals to be treated like this. The individuals who are proponents of the live bait "training" most certainly are lower class, uneducated losers who should be arrested, charged with animal cruelty and sent to prison.

Barbara Betts Meadows, Fort Wayne, IN

As an Indiana property owner, I feel very strongly against the horrific "sport" of Live Bait dog training. It find it truly unbelievable that the IDNR would support such cruel and absolutely INHUMANE actions! My family and I are VERY MUCH opposed to this black market practice and we DO NOT WANT IT LEGALIZED. PLEASE make sure that your rules clarification does NOT allow this terrible atrocity to go on in our state. No matter if wildlife is considered by humans as a "nuisance" or not these animals do NOT DESERVE to be tortured and killed in such a cruel and senseless manner. Please BAN LIVE BAIT TRAINING with ANY wildlife.

Shannon Gayk, Monroe County, IN

I would like to voice my support for the legislation. The practice (of selling trapped coyotes for dog running pens) is cruel and inhumane and needs to be stopped!

Tom Meadows, Fort Wayne, IN

I would like to register my strong support for the DNR proposed rules clarification banning the selling, trading, or bartering of coyotes. The black market practice of using coyote as live bait for dog training is an abhorrent act that no true wildlife conservationist could support. Thank you for your service and devotion to the protection and preservation of our Indiana wildlife.

Beth Ann Ross, Carmel, IN

Please change the law, this is so inhumane, this must stop!!!! I will do what I can to see that it changes, if it means getting new law makers so be it..... Please only you can do something... I have a voice one voice to tell my friends in the organizations being. I will do what it takes. Change the laws.....thank you I know you know in your heart this is not right.

Tonya McCray, Ellettsville, IN

But a partial-year ban is not enough. Please pass a year-round rule against exporting coyotes to other states so that they may be chased by dogs within a pen. The logic and compassion which inspires any ban at all should compel us to engage the same ban for the entire year. Wildlife penning is cruel, and I urgently encourage you to end such a practice.

Julie Magee, Bloomington, IN

Indiana Natural Resources Commission Dear Commissioner, I strongly urge the Natural Resources Commission to pass a full ban on selling live coyotes across state lines. Dear Commissioner, I strongly urge the Natural Resources Commission to pass a full ban on selling live coyotes across state lines. The partial ban does not totally end an inhumane practice. Selling live animals to then be killed is no less offensive than dog fighting. Why would one be legal and the other illegal? It is an entirely different matter to hunt and kill deer and other wildlife that might be eaten. Using coyotes as bait and condoned by our government is unacceptable. As a life-long resident of Indiana I do not want to be associated with such cruel and inhumane practices.

Jessica Fulton, St. Joseph County, IN

Please restrict the sale of Indiana coyotes across state lines for "penning" practices. It is a barbaric practice and the people of Indiana are better than that.

Please expand the rule to restrict the sale year-round.

Cynthia Faulkner, Union Grove, WI

Indiana has outlawed penning yet still continues to allow shipments of live, WILD animals to other states to be used for this very same purpose. Do you realize how these animals are treated during their capture, transport and ultimately the pain and suffering they endure while being ripped to shreds for the mere enjoyment of a bunch of rednecks?

C'mon, give these wild creature a break. They're slowly losing their environment to urban sprawl and increased road traffic. At least allow them to live their lives wild and free, just the way God intended.

Nancy Crofoot Murrmann, St. Joseph County, IN

I read the article in the South Bend Tribune's Voice of the People, May1,2008, "Save Indiana Coyotes from Cruel Fate." There are money-seeking people who think only about the profit they can make from selling the lives of Indiana's wildlife with no regard as to the painful torture which they subject the terrified coyotes and foxes they have trapped and then sold to people who use them as bait for training hunting dogs in some southern states. The animals are put in fenced in pens from which they cannot escape. They are at the mercy of hunting dogs who tear them apart for training purposes. This callous disregard for Indiana's wildlife may be stopped or curtailed by passing legislation making this trapping and selling process illegal here in Indiana for at least part of the year. Making this practice illegal for the entire year would be an even more intelligent decision. Please, as the representatives of our Indiana residents, make this legislation possible, now. Show us that you are worthy of our votes to put you in the offices you now hold. I would like to volunteer to do work which would help move this legislation along in any way you wish.

Jennifer Wozniak, St. Joseph County, IN

I fully support the proposed rule restricting the sale of Indiana coyotes across state lines.

Karen A. Moscato, St. Joseph County, IN

Please accept these comments concerning the trapping and torture of coyote's in the barbaric practice of penning. These practices are similar to what landed Mr. Vick in jail. Can we not be more evolved than torturing animals? Please make sure our animals are trapped and taken for bait so that hunters can watch this barbaric spectacle. It is bad enough they hunt and kill animals for "sport." Let us not encourage animal torture!

Naomi Enamorado, Marshall County, IN

I am writing to show my support for legislation that would restrict the sale of Indiana coyotes across state lines for use in coyote penning. Indiana should not be a part in any way of such an awful and disgusting practice and should be a leader in doing what is humane.

Jackie Strabley, South Bend, IN;

Please restrict the sale of Indiana coyotes across state lines for penning practices. Please expand the rule to restrict the sale year-round.

Miki Strabley, St. Joseph County, IN; Ann Divine, St. Joseph County, IN

Please restrict the sale of Indiana coyotes across state lines for "penning" practices.

It is a barbaric practice and the people of Indiana are better than that.

Please expand the rule to restrict the sale year-round.

Lucille Bertuccio, Bloomington, IN

Please do not allow people who capture coyotes to sell them as training for dogs - this is truly inhumane to subject these creatures to this sort of cruelty. Thank you.

Laura Allen, La Porte County, IN

This is outrageous and should not be allowed in any way, shape or form!

Sandra E. Miller, South Bend, IN

I sincerely hope you will decide to restrict the sale of Indiana coyotes across state lines for use in "coyote penning" or "fox penning" - not just for the six months outside the trapping season, but for the whole year! It would not interfere with trapping season merely to make it illegal for anyone in Indiana to live trap coyotes to export from the state for such a purpose.

I appreciate that Indiana does not allow coyote penning in this state, because the practice has nothing to do with hunting and everything to do with aiding and abetting a blood sport. I am not a particular fan of coyotes, which I realize are spreading rapidly into suburban (and sometimes even urban) areas, but I believe that their spread can be dealt with by property owners in a variety of ways without resorting to barbarism. In my neighborhood on Juday Creek, South Bend, Indiana, coyotes have infiltrated our suburban neighborhood for perhaps 10 years, in search of those delicious Canada goose eggs. I do not want them in our neighborhood, because they are far too large a predator for our habitat and could be a threat to small dogs and cats in the neighborhood. So, I take it upon myself to leave on my backyard floodlights during nesting season, keeping an ear to the geese at night, and, if necessary, roar out my back door armed with a long aluminum pole and shouting, "Get out of here!" at the top of my lungs. This has been pretty effective, and other citizens will certainly come up with their own ideas in their own neighborhoods without resorting to such a despicable and inhumane practice as "coyote penning". Please adopt and expand to year around the rule restricting the sale of Indiana coyotes across state lines.

Tom and Marilyn B. Boyd, LaPorte, IN

Please stop this horrible cruel act!!!!

Susan Glass, St. Joseph County, IN

I am writing to state my strong opposition to the practice of selling coyotes for penning. This is cruel and unnecessary.

Erich Klinghammer, Ph.D., Eckhard H Hess Institute of Ethology, Wolf Park, Battle Ground, IN

This practice is abominable and must be stopped at once.

Mason Devon, Malibu, CA

Please make the practice of live bait training illegal. Our wildlife is more important then creating attack dogs. I know that you want your state and people to reflect itself as intelligent, educated and noble in values. I'm sure you will put an end to this cruelty.

Mary K. Rothert, Monroe County, IN

I write to support the proposed amendments to 312IAC 9-3-12 and 312IAC9-14.5. The current practice is cruel and places our state in the position of being notorious for this cruel practice. The majority of the public, the real "owners" of Indiana's wildlife, would object to this practice if it became widely known. A small group bent on profit should not be allowed to control this situation. Coyotes are key to keeping rodents under control and there is a system in place to take care of nuisance coyotes. I urge you to pass this amendment so we all don't have to be embarrassed to be Hoosiers.

Leif Baier, CA

I would like to write that I think live bait training is a horrible thing and should be stopped. I am currently working in Yellowstone Nat'l Park doing coyote research. I get to observe them everyday in an environment perfect for them and hate to think about how they are used for the personal benefit of humans and their unfair hunting practices. I realize how poorly coyotes are treated all over the U.S., but when you can change something for the better, do it. Coyotes are living how they were made to live, they cannot help that they are successful. Please do all you can to stop this and to actually follow through and make sure people aren't getting around the rules. The people who have done this to coyotes know they are doing bad and it'll come around to them, we all know karma.

Nancy Barron, Indianapolis, IN

Thank you for considering restricting the sale of live coyotes across state lines. But a partial-year ban is not enough. Dear Sirs: The practice of trapping and selling coyotes for the stated purpose seems barbaric. It doesn't take too much imagination to know that these animals will suffer. Please pass a year-round rule against exporting coyotes to other states. It is embarrassing to live in a state that treats any wildlife in this manner. The very liberal hunting laws for coyotes keep the population in control. We have coyotes in our "No Hunting" woods, and they have not caused any problems in the eighteen years we have lived here. Our neighbors have 4 outside cats and have had for four years. I know that a coyote's main diet is made up of mice and small rodents. I come from a hunting family, but it makes me feel very uneasy when killing is done for the fun of it or, worse, when eventual suffering is condoned by a state organization. The DNR exists not just for the profiler, farmer and hunter, but it is an organization for all the people of the state. I believe most people regard this as a repulsive policy and practice. I couldn't believe what I was reading when first I saw the article in the Indy Star. I passionately hope this present practice is made illegal.

Martina D. Rukavina, Valparaiso, IN

I am totally opposed to using live animals as bait in the training of dogs. This is an extremely inhumane practice that the State of Indiana does NOT need to condone. The sale of any animals for this purpose should be illegal. How does this differ from the staged pit bull fights? This does not remotely resemble any type of sport. It should not be allowed.

Tiziana Rupena, Trieste, Italy

The Indiana Department of Natural Resources is currently making rule clarifications that are vital to the well being and humane treatment of our precious wildlife. Indiana trappers are currently selling coyotes and other wildlife to live bait dog training facilities. The wild animals are released into enclosures where they have no chance of escape. The dogs, who are very familiar with the enclosure, are turned loose on the coyotes and other wildlife to run them down and tear them apart while they are still alive. The citizens of this state are opposed to such black market practices and do not want this legalized. The IDNR rules clarification would make certain that these despicable activities could not happen in Indiana state.

Kalista A. Johnston, Garrett, IN

Please approve the administrative ruling that will prevent the taking of Indiana wildlife (coyote's) and transporting of these live animals, thereby stopping the barbaric practice of live bait dog training and the tortuous death these animals suffer. Thank you.

Donald H. Nash, Arcola/Ft. Wayne, IN

I understand that laws banning this practice are under consideration. I would like to register my support. Indiana has in the past done a great deal to stop this sort of "canned hunting" in our state. Going one more step and ending the transportation of Indiana's wildlife to other states to simply be chewed up by hounds would be a logical addition to the laws now in place regulating these practices here. I live just off DNR land and would hate to think that this might be going on five-hundred feet from my home.

Beverly Whelan, Eastlake, OH

The practice of selling coyote to be used as bait is one of the most cruel and gruesome things I've ever seen. It is not even human to allow this to continue. Please pass the restrictions which would prohibit the practice of using these poor animals to be ripped apart while still alive. How can anybody condone such a horrible thing? I am appalled. I do not like the section which extends the period of time during which skunks can be killed. But the coyote massacres must be stopped! Thank you for your time.

Phyllis Brouse, Indianapolis, IN

We must do everything in our power to stop this cruel and violent act of animal torture. What are people thinking who would dare to take part in such and outrageous act of animal cruelty? I urge you to do everything in your power to prevent this happening in the future.

Laurie Klinger, Indianapolis, IN

Thank you for considering banning the transport of live coyotes across state lines for the purpose of coyote penning. Such futile cruelty in the name of sport is abhorrent. Your stand on this matter reflects well on the state. It is the ethical and right thing to do. In a time when national government seems to have lost its moral compass, it is gratifying to see state government take such a stand.

Abby Ramsey, Alexandria, Madison County, IN

This is a continued story about Susie the Cocker. The trap for the fox and coyote didn't kill Susie, but maimed her leg and foot. It cost us a lot of money to make her better, and I wish I could face the person who put the trap out. Now we are scared that this could happen again. I hope the law passes and that "ALL" trapping is stopped. Thanks for my time to vent.

Randall Deane, Indianapolis, IN

This sounds like a good amendment to prevent cruelty to coyotes. Perhaps there are other ways too, like increasing the penalties for abusing these wonderful creatures. These phony-sportsmen should be training their dogs in the field like our ancestors did. Not using live bait. Coyotes are one of the smartest and shyest of God's creatures. They have managed to survive where other predators have died off. Staying alive in close proximity to "mankindless" shows just how tenacious and intelligent these creatures are. Please do what ever it takes to prevent these ugly men from destroying these fine creatures. Shame on them! There are many situations, which I can dream up where these cruel men would be the live bait for other animals, and I would favor that type of sport amendment any day.

Justin Gray, Indianapolis, IN

I strongly support banning the sale of live coyotes and foxes. They are used to support the business of coyote and fox penning which is a cruel and unnecessary sport similar to dog fighting. Please help stop this vicious business.

Mike Martin, Lawrence, IN

Coyotes should be eliminated, put a bounty on them! I wish there were more men who could trap and sell these things. They could use my property to set traps. If men could sell them--I am all for it. Leave things alone and let the trappers sell coyotes. Coyote trappers should have free access to state property for trapping and sale of these rodents!

Sue M. Murphy, Cory, IN

After reading that Indiana allows coyote hunting, trapping and shipping live animals to other states for so-called sport is sickening to me. I cannot believe that if our citizenry were more informed about this vile practice there would not be more outrage. A law that allows this to happen to these poor trapped, frightened, disoriented and sometimes wounded animals is barbaric. A society that does not take care of its children and animals is no society at all and I fear that Indiana fails miserably at both. We should be ashamed.

Carol Hockensmith, Bloomington, IN

Please close the live market on a year-round basis. Wildlife is having a hard enough time just surviving in our cruel world. Please have a heart for the animals could you do this to your dog? Or watch it being done to the poor helpless animals? Please ban the live sale and give them a chance to survive.

Carol Trippel, Indianapolis, IN

It is hard for me to believe that the practice of penning of coyotes and foxes is not yet illegal in this state. It sounds like something I would read about in a history book, not the newspaper! Please protect these wild animals from the barbaric practice of penning.

Melinda W. Sowder, Monroe, IN

I read the letter to the editor in the Bloomington Herald Times by imRamsey.

I would strongly suggest any inhumane trapping of animals for any purpose be eliminated. This is the 21st century. It's time Indiana joined.

Kathleen Dobie, Indianapolis, IN

I support a proposed ban on the sale of live coyotes and foxes across state lines to prevent so-called penning, which is an abominable blood sport. Thanks for preventing Hoosiers from contributing to this type of massacre.

Linda Colvin, Monroe County, IN

Definitely in favor of the ban on sale & possession. The way these animals are treated is not sport. It's cruelty.

Susan K. Luther, Bloomington, IN

I support a year round ban on the live sale of coyotes. There is a big difference between the humane hunting of an animal causing a problem and the torture of an animal, hunting it down in an enclosed pen for the sport of depraved individuals. I absolutely support hunting (we should probably expand the hunting of deer) and absolutely abhor and support the ban of the live trafficking of wild animals, an evil practice. There should be a year-round ban of the live sale of coyotes.

Ellen Carter, Nashville, IN

We now are having a coyote problem in our area, only one mile from town. I really don't have an opinion trapping coyotes, but are they getting out of hand like deer. The deer are still definitely still a problem here in Brown County when you can count 13 of them in your backyard on Artists Drive. woods are becoming barren of wildflowers.

Douglas James Moore, Bloomington, IN

I support a rule that would close the live market of coyotes for part of the year. I also support a year-round ban on the live sale of coyotes.

Donna McCandless, Brown County, IN

I support the rule change. I would support a stronger rule that completely bans the capture of any wild animal for purposes of use in a future canned hunt.

Linda Harrigan, Ellettsville, IN

I do not think sales of wildlife should be allowed. Using animals for live bait is cruel and horrible treatment. The people who do this should go to Iraq and be used as bait for suicide bombers.

Stephanie Holman, Spencer, IN

Please close the live market and place a year round ban on the sale of live coyotes. Indiana is better than this!

Cynthia J. Corwin, Bloomington, IN

I think it is great that the NRC is considering closing the live sale of coyotes and foxes for part of the year. But there needs to be a ban on year round sale of live coyotes and foxes. I think it is one of the most cruel and inhumane things I have ever heard of. To capture an animal and then use it to train hunting dogs is horrible! It needs to be stopped now!

Margaret Combs, Madison County, IN

I request that the NRC vote "yes" to close the live market year round for wild animals (i.e., coyotes and foxes) to be trapped and trafficked out of state for the purpose of enclosed hunts. This profit-driven, horrifying practice promotes cruelty to animals in a savage, thrill-seeking manner. Research has proven the direct connection between animal cruelty and domestic violence. Surely the State of Indiana can find a more civilized way to make money, at the very least.

William Grohovsky, Monrovia, IN

I am in favor of the amendments to this rule. Further more I feel that these animals should never be sold alive in state or out of state any time of the year. I am not in favor of trapping at all but since that activity will most likely continue I believe that when trapped these animals should be quickly and humanely euthanized. They should not be sold live to be used as bait to train dogs or any other activity that would cause them to suffer. Please keep these comments in mind when you make your decision on this issue.

Maleah Stringer, Anderson, IN; Animal Protection League

Yes to the year round ban on canned/penned hunts.

Doyle McCauley, Elkhart, IN

Wrong, dead wrong! What are we thinking of in this day of God's day. Aren't you supposed to take care of god's earth and all within? Even the poor coyote unless you will eat of its meat. What a way to train our children in was to get blood lust is to follow our bad form of leaders in blood sport? No. No. No. Save the american Children. On behalf of earth children we wish you would act grown up and humane.

Amy Krauss, Ellettsville/Monroe, IN; College Mall Veterinary Hospital

As a veterinarian and former wildlife rehabilitator, I think it issickening and inhumane that such an industry/market of live trappingcoyotes and selling them across states lines is legal. Not to mentionthe then using them as live bait in animal entrapments. This is embarrassing as a citizen of Indiana, especially because of thenational attention of animal abuse and cruelty cases in the last year. This should extend to wildlife, and not just domesticated animals. Indiana should make this illegal at all times--and step up to theplate in their animal abuse laws.

Wanda Reed, Morgan County, IN

Animals have souls like us. Shame on those who abuse them. We need laws to protect them like we protect our children. If you have any love at all we will get laws to protect the animals from abuse.

Bob Hudelson, Orleans, IN

I have sold hundreds of coyotes to the running pens. I have workedat pens in Mississippi and Texas. The animals are very seldom caughtby the dogs. Four hours was the normal run for the dogs. A largecircle was made chasing the animal. If a dog catches the animal he is banned from the pen. Some pens are 2000 acres. Animals are purchasedbecause of flooding, or a tree falls on the fence. If you are lookingfor the group killing coyotes with dogs you are after the wrong sportsman. Indiana needs rid of every coyote possible. Farmers have enough troubles.

Leslie Kay Green, Brown County, IN

I write in support of the rule change that will prohibit the sale oflive Coyotes on a year round basis. The practice of trapping andselling animals for sport is reprehensible. I hope it can be quicklystopped.

Molly Louise Rosendall, Monroe County, IN

I support this rule and a year-round ban on the live sale of coyotes.

Beatrice K. Rehfus, Muncie, IN

Please ban the shipping of coyote and fox for the purpose of beinghunted and killed.

Eric Sigler, Goshen, IN

I am completely against the practice of putting coyotes or foxes in these fenced in areas and allowing dogs to tear them apart. This is a cruel sport against nature. I am not against hunting or true sportsmanship, which this is not a form of. I want this to be a prosecutable offence with strict penalties (incarceration and fines).

Cynthia E. Benson, Madison, IN

Please vote YES to a year-round ban on shipping animals for sportgaming.

Beverly Ann Dalessandro, Dearborn County, IN

This is an inhumane practice and I wish it would not be. I vote yes.

Jacqueline R. Carlson, Elkhart, IN

Please help save Indiana's wildlife from a cruel blood sport. I've heard that the Indiana Natural Resources Commission may restrict Indiana coyotes from being sold across state lines for use in a cruel practice with the innocent-sounding name of "coyote or fox penning." I am totally in favor of this legislation. In much

of the South and elsewhere, live coyotes and foxes are released inside a fenced enclosure where hounds are judged on how they chase down the penned animals. The coyotes have nowhere to run, nowhere to hide, no escape. Soon, they are cornered and torn apart by the dogs. Wildlife penning is really a perverse form of staged animal fighting. Indiana trappers contribute by selling live coyotes to out-of-staters who engage in this cruelty, and the Natural Resources Commission is humanely considering stopping the live sale of coyotes during part of the year. As an Indiana citizen, I totally agree with legislation to prevent the selling of coyotes--and foxes--for this purpose.

Carol Hatfield, Indianapolis, IN

I am writing in support of the restrictions to prevent Indiana wildlife from being sold across state lines for the purpose of dog sport. This is a disgusting and cruel practice that must be stopped. This is the 21st century and yet these ridiculous practices still exist? This is Indiana wildlife. It is no one's right to sell them. Please restrict this practice.

Jacqueline Watson, Bloomington, IN

Please stop this bloodsport. This type of hunting is not necessary at this point in time. Our wildlife population does not deserve such pointless destruction. Find something better to do with your time than kill trapped and helpless animals.

Theresa Lydy, Bloomington, IN

I am writing to request that keeping live fox and coyote to be sold or kept be banned. This is cruel beyond words. If it is illegal to have dog and chicken fighting because of cruelty to the animals why are we allowing people to keep and sell live fox and coyotes? Please ban this permanently.

H. D. Roberts, South Bend, IN

In much of the South and elsewhere, live coyotes and foxes are released inside a fenced enclosure where hounds are judged on how they chase down the penned animals. The coyotes have nowhere to run, nowhere to hide, no escape. Soon, they are cornered and torn apart by the dogs. Wildlife penning is really a perverse form of staged animal fighting. Indiana trappers contribute by selling live coyotes to out-of-staters who engage in this cruelty, and the Natural Resources Commission is humanely considering stopping the live sale of coyotes during part of the year. I support regulation to stop the live sale of coyotes for the express purpose of Wildlife penning.

Kathryn Kennison, Muncie, IN

Please extend this ban.

Joanne Edmonds, Muncie, IN

Please vote YES to the bill for a YEAR ROUND BAN

Anthony O. Edmond, Muncie, IN

This practice should have never been allowed in the first place. I urge that this cruelty be banned permanently.

Cheryl K. Bove, Muncie, IN

I would oppose this proposal.

Margaret T. Gilbride, Monroe, IN

There should be a total and complete ban, without seasonal exceptions to the live sale of coyotes within the state of Indiana and to any other state. It is cruel, unnecessary, unsportsmanlike and should be illegal.

Eric and Brenda Yost, Goshen, IN

Indiana does not need to be aiding or assisting any type of caged hunting activities. The practice is barbaric and not for civilized people. In the past Christians worked hard to limit bear baiting, bull baiting and other cruel animal abuses. This practice should be seen as no different. Hunting that is for food is understood, but sport hunting as these coyotes are being sold for is cruel. I hope we can disassociate ourselves from this practice.

Sue Loesch-Fries, West Lafayette, IN

I support the restriction of Indiana coyotes being sold across state lines! This is absolute cruelty!

Dianne Rider, Granger, IN

I fully support the ban on Coyote or Fox Penning. This is a cruel blood sport that I am certain many people in Indiana may not even know exists. I support the Indiana Natural Resources Commission in restricting Indiana coyotes from being sold across state lines for use in a cruel practice with the innocent-sounding name of "coyote or fox penning."

I am aware that in much of the South and elsewhere, live coyotes and foxes are released inside a fenced enclosure where hounds are judged on how they chase down the penned animals. The coyotes have nowhere to run, nowhere to hide, no escape. Soon, they are cornered and torn apart by the dogs. Wildlife penning is really a perverse form of staged animal fighting. Indiana trappers contribute by selling live coyotes to out-of-staters who engage in this cruelty, and I want the Natural Resources Commission to continue considering stopping the live sale of coyotes. I understand they want to do this during part of the year, but this should ban should be in place year-round.

Miriam Larmore, Fort Wayne, IN

Please approve the administrative ruling that will prevent the taking of Indiana wildlife (coyote's) and transporting these live animals, thereby stopping the barbaric practice of live bait dog training and the tortuous death these animals suffer.

Floyd Harding, Bloomington, IN

Please vote to close the live market for all of the year and ban the practice of using coyotes as live bait for the pleasure of simpleminded idiots in this part of the country.

Ed Benner, Goshen, IN

Please take all steps possible to ban the commercial possession for sale and/or transfer of carnivorous predators such as coyotes and foxes across state lines.

Sally Jo Vasicko, Delaware, IN

Indiana should not participate in this cruel practice.

Suzanne Hampton, Bloomington, IN

I do not think we should allow the capture torture selling of coyotes to anyone. That is similar to pit bull fights. That is INHUMANE!

Theresa A. Steele, Ellettsville, IN

I am in support of a part of the year and even more in support of a full-year ban on the live sale of coyotes. Please stop the sale of coyotes.

Susan Gallagher, Weatherly, PN

I am writing to express how horrified I am to learn of the live bait dog training allowed in your state. Though I am not a resident, I frequently travel to and through Indiana. Unless and until this practice is stopped, I will not patronize any Indiana businesses, and will in fact make every effort to avoid the state entirely. Please do the right thing and see to it that this inhumane practice is stopped immediately. It is inexcusable and cruel beyond words.

Jeannette Giangrande, Woodburn, IN

I would like to express my unhappiness of the practice of the live bait dog training. It is cruel and inhumane. Please take a moment to read my letter and stop all the transport of live animals to support this. I really see no use of this training except it is just like dog fighting. I would like to see all of this come to a stop and not be condoned by any one in politics. Thank you for reading my letter.

Karen G. Reuter, Bedford, IN

It is horrible that the state of IN could let anyone (they are not people) trap, pen any animal and sell it for inhumane or any other purpose. We are supposed to be a Christian country. IN too long has not been a state that treats animals fairly-we lag way behind other states in our treatment of all animals and punishment laws!!!! Let's do something about this so we are not known as one of the worst states! Let's act know to stop all inhumane treatment of all animals!

Jon Dittmar, La Porte, IN

I would like to voice my support of the subject legislation that would prohibit selling of live coyotes out for state for the purpose of "live penning", a cruel blood game. Our wildlife must be respected and harvested in a dignified manner worthy of that respect.

Sarah B. Sellers, Lawrence County, IN

Although I am not found of the wild coyote than threaten our livestock, I think this type of "sport" is appalling and should not be allowed at all in our state!

Penelope Price, Monroe, IN

I am writing to support a ban on the sale of live coyotes. These animals are being trapped then sold out of state, to be hunted in enclosed pens. This practice is cruel and disgusting and should be stopped immediately!

Brenda Hoover, Orleans, IN

The penning of any type of animal and then letting it loose in an environment it is not accustomed to and being injured on top of that is not humane, then for the sport of it tracked down by dogs and hunters. There is no sport in that. How would a human like to be treated like that. Maybe we should reverse the situation and see how supposedly human beings would like it.

Vicky Englert, Dubois County, IN

Please stop this cruel & inhumane treatment of animals. This is deplorable that this is happening in today civilized society and in my home state!

Patricia Watson, French Lick, IN

Please stop the sale and cruelty of wild animals, cruelty of any animals!

Richard J. Kennison, Muncie, IN

No objections to hunting but am against shipping to enclosed areas for killing animals of any kind.

Dianna L. Monks, Randolph, IN

I can't imagine why Indiana would participate in such a barbaric "sport"!!! Stop it now!

Barbara Bowlen, Monroe, IN

Inhumane treatment of any kind is not what Indiana should be known for; particularly when it involves our native wildlife that should be viewed as an asset to our state, not a commodity for a few criminally cruel individuals to exploit, to the detriment of all of us.

Jerry Mandell, Bloomington, IN

I support a year around ban on trapping coyotes and foxes. I support a ban on the possession and sale of coyotes and foxes that are intended for use as targets of hunting dogs or confinement hunting of any sort. I support all rules that encourage the humane treatment of animals.

Beth Snider, Shipshewana, IN

The practice of selling coyotes to buyers who pen them up and allow dogs to hunt them is just as bad as what Michael Vick is now in jail for doing. This is cruelty to another member of the dog family and perhaps worse. What kind of message are we sending to society?! Please outlaw this form of animal cruelty in Indiana and that includes selling coyotes across state lines for this "blood sport."

Marsha A. Weaver, Elkhart, IN

I am writing to voice my support of a ban on selling coyotes and foxes to be used in the inhumane "sport" of Coyote and/or Fox Penning. As I understand it, the current proposal is to prohibit such sale during part of the year. Why can't we go it one better and ban the practice entirely? In my opinion, killing any animal (except for food or in self-defense), or even frightening an animal unnecessarily, is a moral crime. I believe that we are here on this Earth as partners and brothers/sisters of the animals, placed here by the Creator to learn from one another and to work together to protect and heal the Earth. So far, Man is the only one who seems to be screwing up the plan. Please vote to outlaw this barbaric practice. By allowing it to continue, cruelty is being perpetuated in a world that sees too much cruelty on a daily basis. This is something YOU can help to correct.

Carol Gray, Monroe County, IN

Indiana has become a major supplier for the trade in wildlife, with a high number of animals sold into the live market each year. Killing wild, tame, injured and penned animals is anything but sporting; in fact, it is sickening, unethical and cruel. These barbaric practices have no place in a civilized society. To that end, please close the live market and implement a year-round ban on the sale of live coyotes.

Susan Wunder, Monroe County, IN

I strongly encourage you to ban the sale of Indiana's wildlife to other states. This is a medieval practice that puts our state to shame.

Penelope A. Gillie, Monroe County, IN

Please stop the sale of live coyotes and foxes to other states.

Claire Josette King, Monroe County, IN

I oppose the killing of tame, injured, and penned coyotes. Please close the live market.

Please support a year-round ban on selling live, trapped coyotes across state lines for use in wildlife pens. I was very happy to hear that a ban of this cruel sport is being considered. With habitat loss, predation, traffic, etc. the coyote population is surely being kept in check. There is no reason to allow the trapping and selling of Indiana's coyotes to other states for staged animal fights.

Susan Bright, Monroe County, IN

I am opposed to the capturing of live coyotes

Victoria Richardson, Monroe County, IN

Please ban the sale of live coyotes.

Julie Kinser, Bloomington, IN

Please do not allow these animals to be sold for this reason

Michelle Ann Martin, Marion, IN

The sale of live animals for unnatural use is an atrocity. What is the purpose? Should we not be finding ways to protect our domestic animals along with our wildlife?

Elizabeth W. Mandell, Bloomington, IN

I support a year round ban on the sale of live coyotes. I would also support a law that would close the live market for part of the year but would prefer the live market be banned year round. This inhumane behavior is truly an expression of human degradation.

Robert E. Friend, Wauconda, IL

I am a proud native of the great state of Indiana. Except for a few years in Ohio, I lived in my home state from 1947-2001, when I moved to Illinois. I still consider myself a Hoosier -- always will. I was recently made aware of Indiana coyotes being sold across state lines for cruelty-laden use in something called "coyote penning." Frankly, I was shocked that the powers-that-be in my home state would ever have allowed such a practice. (I only hope that "coyote penning" is not legal in Indiana -- I need to check this out & also re Illinois.) If this terrible blood sport is indeed already illegal in Indiana, great! But that's not enough -- snatching coyotes from their homes to be shipped out of state to a certain death is absolutely

reprehensible! Civil servants and politicians who allow this to happen in this day and age should be fired/voted out of office.

I am hereby serving notice that I am letting all my friends and family, most of whom still reside in Indiana, know about what's going on there. I say: Leave Indiana coyotes in Indiana -- and also, leave them alone (no hunting or trapping or other interference in their lives). I now live adjacent to a forest preserve, and sometimes, while standing outside at night, I can hear the yipping and howling of "my" coyotes. It reminds me of Jack London's Call of the Wild. I am so thankful that such "music" can still be heard in this overdeveloped nation -- and I hope my friends in Indiana will be able to continue to enjoy such "concerts" by "their" coyotes. So please, please stop Indiana's contribution to the vile "sport" of "coyote penning".

Tammi Stolpe, Fort Collins, CO

Only losers hunt a trapped animal! Anyone who thinks penning animals to be hunted is acceptable, is someone that deserves to be penned and chewed to pieces! Leave the animals alone. Make people develop some intelligence, and humane skills.

Obviously, some Americans are lacking in intelligence if we have to sign a petition to stop such a barbaric act of cruelty! Unbelievable what has happened to this Country under the current ruler. We should be able to do better. Are you better than this? I hope so!

Audra Catherine Loudenberg, Monroe County, IN

This is absolutely disgusting. People need to stop thinking they are the only living things that matter in this world. Leave those beautiful creatures alone.

Daniel R. Harrell, Monroe County, IN

This should not be allowed. Some controls may be needed to protect agriculture but to sell any animal to be slaughtered by other animals, "for profit" is simply cruel and immoral. I don't think Indiana needs that kind of reputation. While you're at it, stop the canned deer hunts. They're as bad if not worse.

Tonya Bunch, Mitchell, IN

I believe it should be banned.

Danile Martens, Mishawaka, IN

I am writing in support of this rule which would restrict the sale of coyotes and foxes from Indiana to other states where they are used for the so-called "sport" of penning. This is an unusually cruel practice and should not be facilitated by our state rules.

Tom Sunlake, Monroe County, IN

I am sickened to discover that Indiana has become a major supplier for the trade in wildlife, with a high number of animals sold into the live market each year. Killing wild, tame, injured and penned animals is anything but sporting; in fact, it is sickening, unethical and cruel. These barbaric practices have no place in a civilized society. To that end, please close the live market and implement a year-round ban on the sale of live coyotes.

Joseph Eldridge, Libertyville, IL

Please outlaw transporting coyotes and foxes trapped in Indiana from being shipped out of state. A purpose for transporting these animals is the uncivilized blood sport of "coyote or fox peeing".

Debra K. Potts, Indianapolis, IN

Using coyotes as dog bait is repulsive. Please do not proceed with this. A year-round ban on selling live trapped coyotes across state lines for use in wildlife pens.

Doris Jean Lynch, Bloomington, IN

Please stop the sale of our wild animals. This is inhumane.

Kristina Marie Watts, Veterinarian, Morgan County, IN

This is obviously not a humane decision and quite offensive to those of us that are of the compassionate heart. Please listen to the people who are taking the time to implore you to not pass this law. Think about if you were the coyote, is this something you would want to experience?

Richard Mah, South Bend, IN

The release of live coyotes into fenced pens to be killed by hounds is excessively cruel. Indiana should not participate in this out of state blood sport by supplying the coyotes.

Nancy Kleiner, Bloomington, IN

The practice of using coyotes for live bait is inhuman and barbaric. They are even refusing live fox hunting for that very same reason! This once again falls into the category of cock fighting and dog fighting. It is men with a cruel streak looking to feed their habits as well as make easy money. This practice needs to stop.

Lesley Brown, Indianapolis, IN

I absolutely believe we should not be supporting the cruel death of coyotes. Please do not allow them to be sold to people who plan to allow them to be torn to pieces, or sold for pelts.

Charles Hite, Camby, IN

Coyotes are nuisances and dangerous. They are not in danger. Rid Indiana of them.

Harrison Sine, Carmel, IN

I strongly support the regulation to bar the selling of live coyotes to out of state buyers. The practice of "running pens" should be relegated to history. It is gratifying to know that this practice is banned in our state.

Sidney E. Baker III, Steuben County, IN

I want to see the proposed law enacted to eliminate the potential for inhumane treatment of the animals and to help control the population in the correct way.

Lori A. Cox, Delaware County, IN

I live in the country and regularly have coyotes in the area and sometimes in my yard. I even had a pet cat killed 8 years ago by a coyote. However, these are normal issues associated with rural living. The trapping and selling of any animal for the purpose of training dogs fits the definition of cruelty. Any such activity should be considered unlawful in the state I call home, Indiana. I support my local DNR employees but the state must give them the power to control such activities. Please pass this amendment and bring Indiana into the 21st century!

Mary F. Nolan, Marion, IN

I can't access the rule change about coyotes but from what I have read in the Indianapolis Star, I am horrified that DNR would allow this kind of barbaric treatment of animals. I would support a ban on trappers selling live coyotes so that people with dogs could set them loose on them for hunting practice in a closed structure. What kind of world is this? In fact, I don't agree with animal trapping, in any case. It is an inhumane and unfair way to capture animals of any kind and it seems like we would have moved beyond this, in this day and age and all that we know and feel about animals and their intelligence. The idea of trapping is so antiquated and goes along with all the other kinds of inhumane treatment we have had towards animals. But, the practice of taking a wild animal and then using it for the "entertainment" of people and their dogs (which for those who practice the training of dogs in this manner it would be, I'm sure) is not any different than dog fighting, which is illegal and most folks find abhorrent. So, how is this much different? I say ban it and punish the folks who continue this practice. Perhaps if trapping coyotes was banned altogether, this would be easier to regulate and monitor, too.

Christie A. Menze, Greenwood, IN

I fully support the passage of "07-749" which amends 312 IAC 9-3-12 to prohibit the sale of live coyotes to other states for use as live training aids for dogs. This barbaric and inhumane practice must not be supported by the state of Indiana. I am ashamed that Indiana has allowed this horrific trade to continue. I

do not belong to any organized group but I felt a moral obligation to speak out against this cruel and barbaric practice toward creatures that merely follow natural instincts of survival. No living thing deserves to be treated in this uncivilized, disgusting, and deplorable manner. Words cannot fully describe the terror and torture that these animals are subjected to. What kind of people would allow this to continue? Please do the right thing and stop this immediately.

James Kirby Dangle, Fishers, IN

Coyotes should NOT be used for training dogs to hunt/kill!

Keith Andrew Weisenberger, Westfield, IN

Please adopt the proposed regulation which would minimize the barbaric practice of selling live coyotes for use as bait. While coyotes maybe a nuisance at times, they deserve to not suffer any more than necessary.

Nancy Tatum, Hamilton County, IN

Please vote in favor of the new regulation. I hope someone can email me with an answer to this question; I would like to know how the DNR knows if humane euthanasia is actually being done on the coyotes that are trapped in the off season.

Linda Laurie, Indianapolis, IN

I hope that you pass the law barring trappers from selling live coyotes. This seems very cruel to me.

James Breeden, Fishers, IN

I believe that even contemplating the capture and sale of coyotes to dog trainers is sick and cruel beyond imagination. We must adopt rules which prove that, at least in Indiana, we have a heart and are not barbaric money-hungry sub-humans. I strongly urge you to adopt rules which protect these animals and which prevent this insane practice from continuing.

Mr. and Mrs. Daniel Lawhorn, Montgomery, IN

We are writing to express our opinion regarding the capture and use of coyotes for live baiting. This practice is barbaric, cruel and inhumane. We agree with a previous Indianapolis Star article which stated, "There is no sportsmanship involved in setting packs of hounds upon disoriented, terrified and exhausted "bait" animals that are penned." We do not support this type of activity in any manner, including the sale or transfer of coyotes to buyers, whether they are local or out-of-state. We encourage our legislators and the Department of Natural Resources to outlaw this practice completely and permanently.

Jennifer Taylor, Muncie, IN

I think it should be barred. This to me sounds inhumane and cruel. These animals deserved to be treated better than to be put in a pen and attacked by another animal.

Ricardo Pacetti, Carmel, IN

I vote for both. There are a bunch of Otes in back of my Daughter's House which happens to backup to the Old Irsay Horse Farm and now they are going to build Homes in there and they are pushing them out. My Daughter has a 6 Year old and a newborn and I have informed her that if one of the otes puts one foot on her property to call me because I'm going to shoot it. I took a picture of one from here Glass Door wall and he couldn't have been more than 15 yards from her door. As far as I'm concerned I consider them a threat if they come on her property there are a bunch of little kids that play in the area.

David Clark, Marion, IN

It is time that Indiana becomes part of the civilized world and stop the needless killing of animals for any reason, but particularly for sadistic pleasure and money. I do not support the ability to allow for the capture and sale of coyote under any circumstances, be it in Indiana or outside of Indiana. No one benefits from this senseless killing other than those sick individuals who make the money. For once it would be a welcome change for the DNR to actually support conservation in the State of Indiana and support the demands of the citizens in the state who pay for the DNR and all State programs and departments through their tax dollars. To do otherwise should mean that the tax payers should have the right to make sure that those who manage the DNR and work within that department can be dismissed for failure to follow direction of ownership.

John M. Grimes, Anderson, IN

I support the rule change to not allow the taking of coyotes outside of regular hunting and trapping season.

Christy Ann Finegan, Hamilton County, IN

Selling live coyotes for running, despite that fact they are a nuisance, is barbaric. I am elated to see such civilized legislation!

Michael Tackett, Indianapolis, IN

I am in favor of restricting or better yet preventing Indiana coyotes/foxes from being sold across state lines for use in cruel practices and sports such as Wildlife Penning.

Sally Helms, Carmel, IN

I encourage that the rule change be passed. I had no idea that coyotes could be sold to other states to be used as dog bait. Is this much different than the dog fighting that everyone is so against? I am not a fan of coyotes. We see them in our neighborhood and I have to watch when I let my dog out in the back yard but I still would never condone the inhumane treatment they must suffer when sold alive for dog training. Please make the rule change!

Linda Cronkleton, Noblesville, IN

Please pass regulations to ban the sale/trading of coyotes.

Roy R. Thomas, Hamilton County, IN

I am totally against selling live coyotes to anyone in state or out of state for any purpose other than relocation or education.

Lauren Thompson, Hamilton County, IN

I sincerely hope that this practice is banned! It is inhumane how we treat the creatures on our planet, and I am astounded to hear of how these coyotes are being treated. I hope that the bill to ban this will be passed!

Nancy D Richter, Carmel, IN

Indiana must stop the sale of live wild animals confined in a cage and used to instill a blood lust in dogs. This is terrible. It is right up there with Bear Baiting, which is outlawed. It is despicable. How can we be a 21st Century first rate state and allow this to happen. There is no reasonable excuse to be involved in this. Please do not export rabbits, raccoons or coyotes. Truthfully this practice of killing is not "Harvesting Animals." One harvests soy beans, corn, not animals. Jail is what this crime deserves.

Marianne Sinatra, Indianapolis, IN

Legalized cruelty to animals is a hairs breath away from cruelty to humans. If this is an acceptable behavior, to put coyotes at risk, then having our children grow up in this environment may desensitize them to not only animals but to their peers. We must stop thinking that animals have no value. Maybe this is why so many of our children are now being hurt by their own parents.

Joan Cole, Johnson County, IN

Anyone who would profit from the suffering and cruelty to animals or humans is the scum of the earth. Surely Indiana will not allow anyone to legally use any animals (coyotes or others) from our state for that purpose.

Mona Mehas, Indianapolis, IN

I do not believe that hunters should ever be allowed to trap coyotes and sell them out of state to be used as bait. Indiana has outlawed dog fighting as cruel; this treatment of coyotes is just as cruel.

Gracie Cole, Johnson County, IN

I certainly feel it is wrong to allow coyotes or any animals from the state of Indiana to be sold for cruel and inhumane treatment which allows dogs to kill animals that have no way of escaping them because they are in a pen certainly is. This practice can only make the dogs dangerous also.

Beau Cole, Johnson County, IN

You know, there are too many people on this earth. Would it be right to put a person in a pen and allow dogs to rip that person to shreds and kill them? Certainly not - and I hope Indiana will not allow people to profit from the capture and killing of any kind of animal from Indiana. We are surely more civilized than that.

Nicholas I. Kraeszig, Avon, IN

Selling live coyotes to out of state organizations that use them for "running pens" is akin to training dogs to fight each other. Which I might add is against the law, as it should be. And if you believe the supporters, that these coyotes aren't viciously killed by these packs of dogs being "trained" then I have some nice swamp land in Florida I'll sell you real cheap!

Pattie Gulley, Indianapolis, IN

Please bar trappers from selling live coyotes to buyers who then turn dogs loose on them.

Jerald W. King, Indianapolis, IN

I write in the strongest possible opposition to any policy that would permit the trapping of coyotes to be sold to out of state buyers who turn dogs loose on them. Surely the State of Indiana has no interest in abetting such a vicious and inhumane practice nor any interest in supporting those who make their livelihood in that way.

Thomas E. Ertl, Hamilton County, IN

I support the banning of sale of coyotes!

Gwendolyn B. Berry, Marion County, IN

Are there no limits to the inhumane treatment of wildlife, as well as other animals that Indiana profiteers won't cross? I did not know about the trapping of coyotes for sale to states where dogs are trained to hunt down these animals until I read the article in The Indianapolis Star today. I am appalled at such a practice. Using the excuse that the population of coyotes needs to be controlled is a bogus reason for this horrendous practice. Please put an end to it.

Jennifer Hart, Bloomington, IN

It should not be legal to trap coyotes, particularly outside the regular hunting season. Nor, should they be sold alive.

Mary Jane Norman, Indianapolis, IN

Subjecting an animal to the terror of being hunted and caught by a pack of dogs is pure cruelty. I cannot imagine why it is not already illegal in Indiana. My father and grandfather would have never condoned such actions just to train their dogs. Barbaric.

John Norman, Indianapolis, IN

I am surprised this is even up for debate. Allowing coyotes to be trapped and sold for an illegal use in another state is just a way of evading our laws. I know a man who traps coyotes. He would never condone this.

Deborah Ann Conner, Tennyson, IN

The practice of trapping and selling live coyotes for dog training is one of the most heinous and despicable thing I've ever been exposed to. Not only should the DNR ban the sale of these animals, but these so called "trappers" shouldn't be able to trap the coyotes to begin with. I'm a licensed wildlife rehabilitator for Indiana and, as such, feel it is my duty to remind you that our wildlife belongs to everyone...not just those lower class individuals who would cruelly exploit.

Sandra Hatfield, Lawrence, IN

I am writing to ask for a year-round ban on the live sale of coyotes. In the wake of canned hunting controversy in Indiana, the Natural Resources Commission needs to do the right thing for wildlife. They

need to stop the cruel treatment of coyotes or foxes. Why are such sordid deeds allowed in this state? I support the rule to close the live market for part of the year. But...a year-round ban on the livesale of coyotes is needed!

Jeffrey A Timmons, Anderson, IN

I think the rule should change. I do not want live coyotes being put in pens.

Bradley Dillon, Hancock, IN

I support the rule change 110% and the same should go for any animals that are trapped.

Josephine Ann Gratiem, Plainfield, IN

Please pass the new regulation that would ban the selling or trading of coyotes and put an end to a very barbaric practice.

Mary Jo Brown, Hamilton County, IN

I support the proposed regulation and encourage the Indiana Natural Resources Commission to pass this new regulation.

Dorothy Dotson, Johnson County, IN

It is bad enough that the state finds it necessary to allow trapping of these distressed and displaced animals, but allowing them to be taken out of the state to be used in dog training is horrific.

Brian and Jill Freehauf, South Bend, IN

Please restrict the sale of coyotes and foxes in order to protect what wild animals we have in Indiana. I've seen coyotes and a fox as well. I would hate to think that a part of our natural wildlife can be trapped and sold to another state especially where they set the animals in a hopeless fight for their last moments.

Janice K Clark, Marion County, IN

I'm against selling live coyotes for any purpose at any time of year. Using animals to bait dogs is cruel and inhumane. We don't condone dog fighting, but it's okay to let dogs fight coyotes? That's just right!

Mike McConnell, Indianapolis, IN

I urge a vote in favor of the regulation of banning the sale or trading of coyotes. The practice of "running pens" is outrageous and barbaric!

Joan K. Hollett, Hamilton County, IN

The dignity of all creatures should be respected. Hunt if you must (humanely!) but trapping and transporting live animals for later torture is wrong and should be outlawed.

Julie Foster, Marion County, IN

I am fully in favor of trapping and humanly disposing of nuisance animals, and then using carcasses and pelts for commercial use. I am absolutely against the selling of live animals for dog training/sport of any kind. Our state has banned this type of training. Allowing animals to be sold out of state for purposes that are illegal in our own state is hypocrisy and will come back to reflect badly on the DNR in the long run. My husband and I fish and hike and are active supporters of the DNR and its programs. I find current practices re: this issue, to be unacceptable, and would be in favor of completely prohibiting out of state sales of trapped wild animals.

Ynn Day, Greenwood, IN

I agree with the new law; I believe it is inhumane to allow coyotes to be used for training dogs and Indiana should not be allowed to provide coyotes for this activity

Echo Veith, Hendricks County, IN

No animal should be subjected to cruelty... It is beyond conscience that we would ever allow any animal to be tortured in this way. Please vote against allowing this to continue.

Cheryl Jeffrey-Smith, Hendricks County, IN

Allowing coyotes to be sold live is completely against the DNR mission. The practices used by those who buy these animals are akin to those used by dog fighting proponents. I do not believe that there is evidence that these animals pose any significant threat to anyone. This practice is inconsistent with the charter... to identify, protect, and manage an array of nature preserves and natural areas insufficient numbers and sufficient sizes to maintain viable examples of all of Indiana's natural communities. Nature Preserves will also manage and maintain viable populations of endangered, threatened and rare species. These activities will be conducted for the benefit of the natural communities, their representative species as well as the benefit of future generations of mankind.

Brenda B. Lawson, Marion, IN

I think that letting people buy the coyotes for their dogs to hunt is Barbaric. What a cruel thing to do. It is like dog fighting. Not a good thing for humans to be doing.

Charles W Boyce, Morgantown, IN

I have read the article on coyotes and I am outraged. I want this practice to stop! Please let my opinion be known!

Cheryl Hall, Madison, IN

The sale of coyotes-or any other wild animal-should be prohibited. It is inherently wrong and must be stopped by the State of IN. Traps used to capture should also be banned and the sale of these animals can only have one market-as bait for other animals. It is uncivilized and Indiana should not be known as a state that supports such atrocities. I am in favor of a year-round ban on the live sale of coyotes and I support this rule.

Paul Snyder, Carmel, IN

It should be a punishable offense to catch, or trade live coyotes within Indiana or with other states or nations. The new regulation to euthanize the animals within 24 hours would be good, so long as the number of animals past a small number should be reported to the DNR to track possible abuse.

Kathleen Bauer, Bristol, IN

It is unconscionable that the Indiana Natural Resources Commission and the DNR have allowed any sales of wildlife to live bait dog training facilities. Whether live trapped in or out of regular trapping season no animal should be subjected at any time to the terror or torture of being chased and torn apart in an enclosed area by a pack of dogs. This is barbaric and certainly not in keeping with the public's trust that you will protect Indiana's wildlife. It is truly appalling. Photos found (complete with jovial comments) on trappers' websites indicate clearly the brutality of this activity. Trappers claim these captives are well cared for and rarely harmed. Pictures prove otherwise. And why the large turnover in sales? More and more prey animals required as bait? Terrified coyotes crammed in cages, stiff from confinement, then prodded from their prisons to be pursued by baying hounds appear to be common victims at these facilities. Trappers claim they are keeping wildlife populations in check. Then why allow gamebreeders to breed coyotes or keep trapped animals alive to be sold as bait to dog trainers? These sales should be banned entirely. No animal should be subjected to such savagery at any time. I hope fervently that the commission will fulfill its stated mission of protecting Indiana's wildlife. You have been trusted by thousands of Hoosiers to accomplish this with wisdom and compassion. Please do not fail them. There is absolutely no rationale for live bait dog training or for the capture and sale of wildlife to facilities employing such barbaric tactics.

Sheryl Atkins, Indianapolis, IN

I am totally against trapping, penning, and the sale of wild creatures. They are living beings and have the right to be free and wild, and not sold for profit. Please vote to bar trappers from selling live coyotes to out-of-state buyers. Please vote to bar any other malicious activities against these creatures as well. Just think of all the "nuisances" we've created for wildlife in this country; let alone the world.

Diana Lehr, Indianapolis, IN

I respectfully request that you enact regulations that would prevent the sale of live coyotes to out-of-state buyers for the horrific use of training bait for hunting dogs. I would also strongly encourage the

Commission to further bar the sale of live coyotes during the October to March season, as this would make it very clear to hunters and trappers that the state does not condone unnecessary cruelty to its wildlife, even those considered a nuisance. I lived in rural northwest Hendricks County for 20 years and now live in northwest Marion County close to the 7900 block of Michigan Rd. To my surprise I have seen just as much wildlife, including coyotes and deer, in my Indianapolis backyard as I did at our country place. All wildlife is valuable to our ecosystem. Coyotes have their role too. If a coyote must be trapped/captured, it should be euthanized quickly, cleanly and humanely. To allow the sale of trapped coyotes for use as live bait is bad stewardship of our wildlife.

David Molloy, Hendricks County, IN

I find it abhorrent that this bill is being considered. Even though they are considered "nuisance" animals, there is absolutely no reason for cruel, inhumane treatment. Please vote no on this legislation

Kathy Douglass, Anderson, IN

I oppose the sale/barter of coyotes in Indiana. Please change the rule.

Terri Terhune, Hamilton County, IN

I support this proposal

Mary Hall, Lawrence, IN

Please do not allow coyotes to be used as bait. I could not believe it when I heard this was legal accepted practice. As long as 'nuisance' animals can be killed to protect livestock, there is no reason for this. Let's improve Indiana's reputation.

Erin Flory, Plymouth, IN

I disagree with the proposed changes to the code. I can't recognize any advantage to preventing the removal of coyotes in whichever fashion the trapper finds most advantageous to him or her. In fact by restricting the trappers I would foresee a time when our state government would have to employ trappers to reduce coyote numbers as they begin to kill more family pets and small livestock. There is no need for this change.

Kaye Torres, Marion County, IN

Using live animals as bait for training dogs is barbaric. If Indianahas the decency to ban such practices here, we should not allow trappers sell our coyotes to people in other states where such cruel practices still exist.

Gregory J. Peters, Monroe County, IN

Please note that I am against the sale of live coyotes. These animals belong to me and all other citizens of Indiana. They are not to be sold for profit. They are not to be used in the inhumane practice of training dogs. I am tired of how Indiana is seen as such a backwards state when it comes to anything having to do with animals. I am 46 years old and this is the first time in my life I have ever commented on any sort of rules or regulations with Indiana DNR. But you can be tthat from now on I'm going to pay attention to what's happening in the DNR. Enough is enough with animal cruelty in this state!!

Sarah Nolte, Hamilton County, IN

I have been a member of the veterinary field for years. I have a background in animal relationships and dealing with animal suffering. I think the new ruling barring trappers from selling live coyotes for dog training is a good thing. Coyotes may be an occasional problem in some areas but they deserve the respect given to any other living creature. Euthanasia is painless death opposed to being ripped apart while still conscious and for so called "training purposes". Indiana needs to ban all sales of live coyotes to anyone regardless of what state they might go to. I personally would like to see a complete ban on the sale of live animals for training purposes but this would be a good step in the right direction for our natural wildlife.

Ralph Bell and Beverly Bell, Beech Grove, IN

The Greatness of a nation and its moral progress can be judged by the way its animals are treated....Mohandas Gandhi Coyotes should not be trapped and sold for dog training. This is a no brainer.

We realize that much money is involved in the trapping and selling of the animals but the practice should be outlawed. The practice is morally corrupt and should be stopped sooner than later.

Pamela Su Perry, Marion County, IN

I support the proposed change in the law regarding the sale and trade of live coyotes. I'd prefer to see the trade eliminated year-round, not just out of season. We've lived with coyotes in our neighborhood for the past 5-7 years. They keep the rodents under control and the rabbits from eating everything in our gardens.

Teresa Nering, Terre Haute, IN

I support amending the laws to make it more difficult to sell live animals into abusive situations.

Valerie J. Anderson, Jamestown, IN

Selling coyotes out of state for so-called dog training is inhumane and reprehensible. I encourage the legislature to ban this practice; as a resident in a rural area where we have our fair share of coyotes, I will say that these animals are not the enormous nuisance people say they are---they keep the rabbit and rodent population controlled. Yes, we must take care with our cats and make sure that our dog stays in at night so as not to be threatened, but it's not a price as much as it is a trade-off. There is no reason to allow these animals to be used in what should be considered dog-fighting, which is, I believe, against the law.

Vicki Stump, Avon, IN

Please do not allow the trapping of live coyotes to be used as bait.

William G. Trankle, Southport, IN

I find the entire practice of live baiting with coyotes, or any other animal, to be abhorrent. If, as the proponents of this practice allege, the animals are not harmed by live bait training then perhaps they should consider using their own children as bait! I have a feeling their ideas about what constitutes "humane treatment" would change dramatically if that were the case. I hope there comes a day when Homo sapiens will appreciate their world rather than viewing everything as resources for them to exploit, but until that day we need regulations to prevent cruel behavior. Please, stop the sale of live coyotes to other states.

Denaya Penrose, Marion County, IN

I want to see this activity barred.

Tina L. Schwind, Greenwood, IN

Please bar trappers from selling live coyotes to out-of-state buyers who pen them and then turn dogs loose on them - this practice is barbaric. This is not "sport", nor is it necessary to control the coyote population. I donate to the DNR every year through my tax refund; I do care about welfare of our habitats and wild animals. This "cottage industry" is inhumane and beneath us. Stop it please.

Laura Smith, Marion County, IN

This absolutely should not be allowed! Anyone who would do this to a living creature should have it done to them too.

Michele Corbin, Greenwood, IN

I am in total support to ban the practice of persons trapping coyotes, selling them to out-of-state people who put them in pens and then turn dogs loose on them "in the name of sport." This should be illegal and people should be prosecuted for animal cruelty who do such things to wild animals or any animals for that matter.

Mary W. Drager, Indianapolis, IN

What is next - people that don't fit in or become a problem? Stop this madness. It's wrong.

Janeale E. G. McKee, Marion County, IN

If coyotes are a "nuisance species" then why not just euthanize them quickly? Why add the element of terrorizing the coyotes before they die by using them as training supplements? Also, hasn't the DNR

moved coyote populations into and around the state to help manage the deer population? If so, then "nuisance species" seems like a misnomer.

Brittanny Seybold, Marion County, IN

I think it is cruel to allow this to take place. These animals should not be tortured in the manner. There has to be a better solution!

Curtis Murden, Avon, IN

I read the article in the Indianapolis Star on April 27 and was surprised that DNR would allow anything like this to happen. I am not a hunter or trapper any more but if given the chance I would probably shoot a coyote. I know that they have taken pets that are allowed to run loose but that is the owners fault-not the coyote. I can't understand how we can allow trappers to trap or snare a coyote and keep it alive for resale for whatever purpose. The process is horrible to see. A trapped coyote is strangled to unconsciousness with a wire noose then its mouth and feet are taped up with duct tape. The coyote is then put in a wire cage along with several others to await the "coyote man" who will come along and buy it. These people are not fattening up the coyotes for a better looking pelt. They are, in my opinion, using these animals for fighting just like pit bull dogs. Ever hear of someone using dogs to chase coyotes? Me neither. It happens in Vigo County every winter. Catch it then kill it don't abuse it. Allowing this to happen is criminal.

Carolyn Bradley, Westfield, IN

I strongly support the plan to ban the selling of coyotes. Using them live to train dogs is cruel and inhumane and we should not allow the support the practice (which IN has declared illegal) by allowing coyotes trapped in IN to be used for such a purpose.

Barbara Jo Sorrels, Parke County, IN

I support the new regulation that bans the off-season sale or trading of coyotes. Further, I would like to see this effective in-season or out-of-season. The clause about nuisance coyotes (can be taken year-round) is simply a loophole. Anyone can say a coyote is a nuisance and therefore trap any time. Therefore, I request that also be removed. Let the DNR be in charge of addressing and taking care of the so-called nuisance coyotes to eliminate the profit enticement for trappers. Maybe then the DNR will be put to better use than logging the state forests. Please be aware that I buy a DNR environmental plate every year; I am a supporter as well as a critic.

Courtney Ercan, Marion County, IN

I fully support a barring trappers from selling live coyotes to out-of-state buyers for the cruel intent to turn dogs loose on them. I hope you will do more to protect these animals. Trapping in and of itself is inhumane. Letting a coyote loose in an enclosed space only to be torn apart by dogs is down right vicious. Please protect these animals, and send a clear message to humans that their cruelty will not be tolerated.

Antonia Matthew, Monroe County, IN

I think that there should be a year round ban on the sale of live coyotes. I understand that in the winter the trappers do not get the revenue from the sale of the pelts that they do in the summer. So I think that the landowners who want coyotes trapped on their land should pay for the service in the winter. The State of Indiana should not be shipping out live animals that will be used cruelly, or shipped in inhumane conditions.

Sharyn Emery, Monroe County, IN

I support banning the cruelty toward coyotes in the state of Indiana. There needs to be a year-round ban on coyote trap and release for hunting.

Greg Stenger, Indianapolis, IN

I fully support the proposed regulation. This State should do whatever it can to not support the scum that practice this atrocity.

Jaime S. Sweany, Bloomington, IN

The practice of baiting and trapping live coyotes then allowing for resale or "sport" killings by dog trainers is absolutely and unequivocally shameful and unacceptable in a "civilized" nation. This practice must be stopped and a year-round ban on this activity must be implemented immediately if Indiana is to regain a reputation of decency and ethics in the larger, national community. This is purely a disgrace to our State.

Anne Van de Sande, Monroe County, IN

Ban the trapping and sale of coyotes as live bait. As the Romans used the Christians, and as the Nazis used the Jews, Indiana is right with these groups who feel it's their right to have blood sport recreation.

Phillip Mark Cox, Noblesville, IN

Please make it illegal to trap a coyote and sell it period. Coyote's should be trapped by Park Rangers or authorized persons and set free in a rural area away from neighborhoods. Never should they be sold to individuals or organizations who participate in canned hunts or "sporting" events.

Cathy Lee Cox, Noblesville, IN

Under no circumstances should a coyote be trapped and sold. It should be illegal to capture animals and sell them to individuals as pets or to be used for canned hunts, target practice or dog fights.

Holly Snyder, Hamilton County, IN

Please cease to allow this practice to coyotes!

Becky O'Connor, Zionsville, IN

This practice needs to be stopped and banned immediately.

Hazel H. Stevens, St. Joseph County, IN

My family and I were appalled to learn of "coyote and fox penning." This is cruel and barbaric, and should never be allowed. We are in support of the rule change that would stop the sale of live animals (coyotes and any others), and it should be for all of the year, not just part! Please bring Indiana out of the Dark Ages!

Dawn A. Acton, Johnson County, IN

Are you kidding me? What's next? Bear baiting? This shouldn't even be an issue. I am not surprised that S.C., W.VA and VA are still participating in these barbaric practices but I thought IN was way beyond that. I thought we were on our way to being civilized in the care of our animals. Coyotes are the smartest canine in North America. I am an animal trainer who works with problem animals. I worked with coyotes for over 10 years. Anyone who is idiotic enough to presume that a coyote is happier in captivity while they are being fattened up or that they are just nuisance animals who can be used for "training" dogs and that they have no feelings or don't feel pain or fear are ignoring it for their own gain. Please don't allow hunter's greed to dictate such a horrible death to such an intelligent and sensitive animal. These animals do us all a great service. They keep down the rabbit, raccoon and rodent population. {Have we seen any mange or mice infestations since the coyote numbers have been up? no} Look at your family dogs and imagine them being torn apart by other dogs, that's what we are doing by allowing our coyotes to be sold out of state. Let's be civilized and say "NO" to this practice.

Leanne Bodick, Marion County, IN

Please do not allow coyotes to be destroyed in such an inhuman manner.

Ramon Garcia-Tamara, Bloomington, IN

I just recently learned about the brutal, inhumane practice and treatment of coyotes and foxes and other animals in the hands of ignorant and heartless individuals who use traps to injure and torture innocent creatures for their own amazement. Please make a year-round ban (at least) on this horrific practice.

Theresa Cook, Monroe County, IN

I live in an area that have coyotes and believe they are a part of the natural prey/predator ecosystem. Just as Indiana has laws in place to protect other animals that form this circle, it boggles the mind to think the

state would allow the trapping and sale of coyotes to people and organizations that may treat coyotes inhumanely. Where there is money to be made, some callous people will take advantage of coyotes and trap them in steel jaw traps and snares and other horrible ways, only to sell the animals to gun and dog clubs where the coyotes will be hunted down in barbaric ways. You would better serve the people of Indiana (and the coyotes) if you allowed hunters to cull any areas of over population with a special permit and require true hunters to use rifles or shotguns. The proposed method if passed will only make our state look like throwbacks to the early 20th century when people thought every predator in the US had to kill for the sake of our children, crops or livestock. Please deny these few people the right to abuse animals for the sake of a small population who find pleasure in the blood letting of our native wild animals. Their population can be controlled in more humane ways.

Phyllis J. Emerick, Owen County, IN

I not only support the proposed changes to IAC 9-3-12, but would encourage and support a year-round ban on the live sale of coyotes. It is amazing to me that this is even an issue. As a nation we acted appropriately with revulsion over Michael Vicks and his 'sport' of dog fighting, yet Indiana is part of an industry that allows nondomesticated animals to be used in a much more gruesome fashion for others enjoyment. I would think that as civilized and humane people we would not tolerate that and would stand up to others who do.

Kathy A. Perry, Owen County, IN

Please ban this barbaric sport and make it illegal for people to make money from the misery of these animals.

Jane T. Harnett, Bloomington, IN

It is imperative that we crawl out of the dark ages and protect our wildlife from cruelty. I am asking for a YEAR-ROUND BAN of releasing trap-injured coyotes, foxes, etc to be hunted down and killed by dogs.

Cosette Smith, Indianapolis, IN

I want to complain about the practice of allowing coyotes to be shipped to other states as bait in training hunting dogs. That is worse than dog fighting. The poor coyote never has a chance. Someone must stand up for them. Shame on this department for allowing an animal to be treated in this manner.

Dianna Alexander, Greenwood, IN

I can't believe the atrocity of "trapping" coyotes only to sell them to out-of-state people who put them in pens and then turn dogs loose on them - in the name of sport. This practice, in my estimation, is both barbaric and unnecessary to control the coyote population. The "humans" that allow this law to be put in place should be sold to these same "humans" caged and then have the dogs turned loose on them.....This surmounts the definition of cruel and inhumane...You should be ashamed to call yourselves human if you allow this law to be passed.

Kelly Harrington, South Bend, IN

I want to support the proposed regulation in regards to the selling of coyotes out of state for "penning." This is a repulsive practice and should be banned entirely.

Tom Campbell, South Bend, IN

Along with my wife who just sent her support, I too want to support the proposed regulation in regards to the selling of coyotes out of state for "penning." This is a repulsive practice and should be banned entirely.

Carol Mathia, Elkhart, IN

I support the proposed regulation stopping the live sale of coyotes to out-of-state residents.

Ted Yost, Goshen, IN

I would like to urge you to please put a stop to the cruel and indefensible practice of transporting coyotes and foxes or selling them for "penning" or any other similar fate.

Tammy J. Stevens, Marion County, IN

I am amazed that the Dept of Natural Resources would even consider not barring trappers from selling live animals to out of state buyers. It is yet another embarrassment to the state of Indiana that we would legally allow such cruelty. Please do the humane thing and outlaw this!

Isabelle.G. Thayer, Plymouth, IN

Please do what you can to stop this cruel and inhuman treatment of coyotes

Sue Johnson Filley, Elkhart, IN

You are right to restrict taking or selling coyotes across state lines for the purpose of penning. This is a hideous practice. Please ban it altogether.

Rebecca Althouse, South Bend, IN

I'm am writing in support of the proposed restriction of "coyote or fox penning". A very innocent sounding name for an incredibly cruel and inhumane practice. Please restrict the sale of coyotes.

Andrew Hart, Indianapolis, IN

Please outlaw the barbaric practice of allowing people to send coyotes out of state to be killed by dogs. This perpetuates a terrible ethic and does nothing to curb the population. As we know with white tailed deer, animals that are highly territorial are not affected by culling unless done in extreme measures. Coyote killing should be outlawed unless it can be documented that a farmer is losing livestock.

H. Gregory Campbell, South Bend, IN

I strongly support this amendment and further support any changes that would prohibit the selling of live coyotes or any other animal to out-of-state residents for the purpose of blood sport.

Lindsay Althouse, South Bend, IN

Please restrict the sale of coyotes (and foxes).

Don Todd, South Bend, IN

I am writing in support of the proposed restrictions on Indiana coyotes being sold across state lines. This is a very cruel practice of coyote penning.

THE FOLLOWING PERSONS FILED THE SAME OR SIMILAR COMMENTS:

David J. Ruedi, Rolling Prairie, IN; Sharon Kay Ruedi, Rolling Prairie, IN; Elizebth M. Ruedi, South Bend, IN; Nancy Gomes, South Bend, IN;

I am in full support of the above subject proposed regulation.

* * * * *

Janet Lindvall, Plymouth, IN

I want to add my support to the restriction of coyote or fox penning. There should not be any "sport?" that involves cruelty to any animal. Please restrict these animals from being sold across the state line, or anywhere else for this cruel purpose.

Carole Roos, South Bend, IN

Today, May 1st, I read in the South Bend Tribune Voice of the People about "coyote or fox penning." Please restrict, and vigorously enforce the restriction, on selling coyotes across state lines. Please expand the restriction to the full year and protect foxes as well. We should in no way support such a cruel and unsporting activity.

Lenonard D Buszkiewicz, South Bend, IN

I just wanted to drop you a quick line to let you know that I favor any proposal that would limit, or preferably permanently totally prohibit the sale of live Coyotes to any organization, person or persons, out-of-state or in-state, who engage in "penning."

Sara Sitar, South Bend, IN

Please stop, forbid, and do not allow coyotes and foxes to be used as bait in penned "hunting" for dogs. That's as bad as pit bull fighting. All "canned" hunting is ridiculous and not fair to any animal or bird. Hunting isn't even a sport. The only true predator is man.

Gloria Moore, Shelbyville, IN

I totally support the regulation that would bar trappers from selling live cooyotes to out-of-state buyers for the purpose of using them as bait to train dogs. This horrific practice must be stopped. Please help to make a change in Indiana law that would prevent this horrendous abuse of these animals.

Sharon K Lakey, Indianapolis, IN

Please ban the use of coyotes for bait - whether in-state or out-of-state. This is a horrendous and cruel practice that should be eliminated. I also ask that you reconsider the euthanization of coyotes caught off-season. Why not return them to wild? Coyotes are native to Indiana. Let's protect them; we do not want them to become extinct.

Beth A. Bibb, Indianapolis, IN

This is a horrible practice and it should be stopped at once!

Joan Carrico, Mishawaka, IN

I support the proposed restrictions on coyote or fox penning. Its cruel and inhumane to pen an animal that cannot escape, being cornered and killed. Its a copout on the sport of true hunting which I oppose also. Where is the Humane Society part in this stoppage of penning.

Anita H. McColleston, Granger, IN

I support your legislation for the protection of the coyotes and to do away with the "penned" hunt by dogs of the coyotes.

Tara L. Svatos, O.D., Granger, IN

Please restrict the sale of IN Coyotes across state lines for use in "penning". This is very cruel and no wild animal should have to experience it.

Kristin Johnston, Waukesha, WI

I just read an article on Indiana's Cruel Export of wild animals and am extremely saddened, appalled, angered by this activity. Per Indiana's code 14-22-1-1, Indiana's wildlife belongs to the people of Indiana, not residents of other states, who engage in a grotesque blood sport. I urge you to remedy this horrible occurrence!!

Mary Bartlett, Indianapolis, IN

Please stop the cruelty to coyotes that are caged and sent to other states for "dog training". This practice is inhumane. The coyote is released in poor condition and sent out in a territory that is unfamiliar to it.

Roberta Kate Ashley-Hall, St. Joseph County, IN

Indiana must make it unlawful and enforce the prohibition of the sale and possession of coyotes and foxes in-state or across state lines. It is appalling to put these wild creatures in pens and set killer dogs on them for the purpose of killing them in order to entertain perverted men!

Wilma Hoath, St. Joseph County, IN

Indiana must prohibit the sale and possession of coyotes and foxes in-state or across state lines. It is disgusting to put them in pens and set killer dogs on them. Please stop this practice by passing this law and enforcing the law.

Eugene Hoath, St. Joseph County, IN

Prohibit the capturing and sale of wild animals for the purpose of setting killer dogs after them for entertainment! Please act now.

Kirk Hall, St. Joseph County, IN

Indiana government needs to step in to stop the capture and selling of wild coyotes and foxes etc. It is a sin to set trained killer dogs after these creatures in a pen!

Michelle Walters, South Bend, IN

I am strongly against the trapping and selling of coyotes. That they are used as live bait to train dogs is inexcusable and horribly inhumane. Please do what is in your power to end this vicious practice. I hope this will be extended to a total ban -not just a partial year ban.

Margo Shearman-Howard, South Bend, IN

With regard to proposed restrictions on sales of Indiana coyotes across state lines: please do implement these restrictions. When trappers sell live coyotes out of state, these animals are used in "coyote penning" - they are confined to a small pen and attacked by dogs as an ugly form of "entertainment." Please help stop this cruel sport -- restricting the sale of coyotes out of state would be a good start.

Matthew Costello, South Bend, IN

I was shocked to read a Voice of the People letter from Hazel Stevens of the Sierra Club in today's South Bend Tribune about "coyote and fox penning." Could it really be true that it's legal in some states to release hounds into a fenced area so that they can hunt down and tear apart coyotes and foxes? This isn't a rhetorical question. I'd really like you to answer this. If true, it's a barbaric practice and I appreciate anything you can do to discourage it.

Jeremy Bontrager, Noble County, IN

I do not support the proposed changes to the law regarding live coyote possession. The law works just fine as it is currently written. Trappers have a hard enough time trying to make a living as it is, without making and adding even more restrictive laws.

Dave Mauer, Decatur County, IN

As a sheep farmer and trapper, I have seen first hand the damage and loss caused by coyotes. Any and all restrictions placed on the taking, possessing, and sale of coyotes will just cause their population to become higher than it already is. This will in turn cause more killing of livestock, pets, and attacks on people, especially children. The coyote population is way too high already. Please don't make our situation even worse.

Nancy Roth, Marion County, IN

I agree wholeheartedly with the proposal to euthanize the coyotes. To do anything else is barbaric.

David G. Payne, Midwest Predator Hunters, Floyd County, IN

In support of the tradition of Coyote hunting/trapping in Indiana, I strongly urge you to please support the rights of my friends, to trap coyotes year round in Indiana. I live in an area of south eastern Indiana with a lot of Farmers who raise Cattle and every year, are faced with the loss of many newborn calves to Coyotes. Sometimes, the calves have just been born, still wet, the Mother in the process of cleaning it up and in they rush. In many cases, there will be 4-5 Coyotes at a time, each one grabbing a leg and tearing the defenseless calf into 4 quarters. Occurrences like this are very hard to take for a small farmer, struggling to make ends meet, by not being able to see that calf to maturity and sell it. It is outdoorsmen like my family and friends, that spend a lot of time in the woods with Wildlife, and are witness to the population explosion cycles of the Eastern Coyote and the devastation their numbers can have on other animals, both Wild and Domestic. It is my sincere hope you understand our position in this matter, and will not support the law change which will affect, year round trapping and possession of the Coyote in Indiana.

Courtney Guzicki, South Bend, IN

Though I believe more should be done to save these animals, I think this is at least a step in the right direction. Selling coyotes to people that will use them for, what I consider, a sick, barbaric practice is simply wrong. If their numbers do need to be thinned, and or controlled, it should be done in the most humane way possible. They should not be used for someone's twisted idea of training for hounds, or any other type of dog.

Tony G. Miller Sr., Plymouth, IN

I totally disapprove of this inhumane practice!

Steve and Andrea Richel, Zionsville, IN

We support the proposed change to the regulation that would ban the sale or trading of coyotes and we think it should be a year-round law. These animals should not be used for blood sports for the same reason that Indiana bans dog-fighting. They are certainly terrorized and injured or killed by "dogs in training" (in training for what? To be killers?). Using coyotes for this kind of "training" is heartless and inhumane. Trappers should not make money from the misery of these animals. While coyotes can be a nuisance, they still deserve to be treated humanely.

Beverly Rodgers, South Bend, IN

I wish to express my support of the proposed restrictions which would restrict Indiana coyotes from being sold across state lines for use in a cruel practice with the innocent sounding name of "coyote or fox penning".

Ruth Kremer, St. Joseph, MI

Please maintain strict restrictions on the selling of live coyotes across state lines for penning--that sport that allows dogs to corner and tear apart live coyotes/foxes in a caged area with no where to go, no where to hide. I'm not a resident of Indiana, but my husband works there, and we are both appalled at what can happen when people don't pay attention to what's going on.

Danny Casad, Lakeville, IN

Seems like if you done this with dogs it's called dog fights—whats the diff?

Daniel A. Csanyi, South Bend, IN

I, a citizen of Indiana, urge the NRC to make illegal the exportation of coyotes trapped in Indiana across state lines. It is known that they are exported for the purpose of throwing them in a pen with a bloodhound. This form of "entertainment" is utterly repugnant and our state should in no way collaborate with its perpetrators. Beside the cruelty of the practice, there are other good reasons not to let people reduce the coyote population of our state. They are a valuable natural resource and an important part of the ecosystem inasmuch as they keep the rodent population under control. I hope you will live up to your responsibility of protecting Indiana's natural resources.

Deborah A. Munnoch, Bloomington, IN

I read in the opinion section of The Herald Times about the rules on coyote sales. I do not approve of coyotes being transported to other states or being sold live after being trapped in Indiana. We deal with enough animal abuse in Indiana as it is why continue this by the allowing of coyotes to be used for dog runners or who knows what else. If people want to trap and kill coyotes during state regulated hunting seasons so be it, but that's it!

Bud Wulliman, Goshen, IN

I'm writing to add my voice to others who want to regulate the sale of foxes/coyotes to other states for use as live prey for dog packs, If Michael can go to prison for dog fighting....how can this practice still be legal? Please stop it!!!

Larry and Leila Cook, South Bend, IN

Please do everything in your power to abolish the practice of the trafficking of Indiana coyotes. How terrible to let such a horrific death come to a segment of Indiana's wildlife. Where is the protection for these animals?

Virginia Rugenstein, Indianapolis, IN

Please end the cruel practice of coyote and fox penning. It is barbaric and uncivilized. The people who condone this practice are truly the "sick" individuals of our society.

Barbara Beeson, Wakarusa, IN

I am appalled at this practice and believe it should be discontinued. I believe the sale of coyotes/foxes out of hunting/trapping seasons should be discontinued. Their treatment is unnecessarily cruel.

Jenny Hullinger, South Bend, IN

Please accept my request to stop the sale of live coyotes across state lines throughout the year. If they are being sold to be attacked and destroyed by hounds, this is abominable. It definitely shows the depravity of man in his ability to enjoy cruelty.

Alyce Miller, Bloomington, IN

The proposed rule is an important start to curtailing cruel and unnecessary practices. I am in full support of it and urge that it be passed.

Margaret M. Boner, Mishawaka, IN

Are we next going to put us older people out for the shooters? And do remember you also will be older some day. I do not believe God put Coyotes here for the good of mankind not for mankind fun.

Ken and Barbara Slack, Granger, IN

We would like to voice our support of the proposed restrictions on selling Indiana coyotes across state lines to engage in "coyote or fox penning." Thank you for your interest in the humane treatment of Indiana wildlife.

Barbara Burlingham, St. Joseph County, IN

I support regulations to stop the sale of coyotes across state lines and any regulations that can put an end to their being inhumanely slaughtered. I live in

Elizabeth C. Feil, South Bend, St. Joseph County, IN

I write to voice my support for restricting the sale of Indiana coyotes for the practice of coyote penning. I feel that this barbaric practice should be stopped immediately.

Becky Best, North Liberty, IN

The bottom letter appeared in our local newspaper. I am completely sickened by this and I am voicing my support to this proposed restriction. This practice is unbelievable, cruel, barbaric, sad, heart wrenching, and proves, again, the decay of our society. What is this teaching our children? Please do what you can to stop this.

Steven L. Craig, Fountain County, AZ

I want to ask a question. Whatever happened to Indiana's term of "wise use"? Why are you being controlled by HSUS? This Org has an agenda to remove wise use from whatever state they go after. Their stated goal is to stop all hunting and trapping. Trapping is a very necessary management tool. We need it today more than ever. Coyote populations are out of control, and this is happening right before your eyes. But for some reason, you do not want to see it. I caught the first coyote ever taken in Fountain County in 1969. Back then we could catch literally hundreds of red fox and grey fox each year, every year. By 1980, 11 short years later, I was catching over 200 coyotes a year, and less than a hundred fox, both red and grey. Today, last Nov to Jan, I can catch and call, 300 plus coyotes, on the same properties, year after year.

How many fox do I catch, you ask? ONE. A red fox. ZERO greys! The habitat is still the same. The same old creek systems, the same coons, possums, skunks, the same farms, maybe a few less wooded areas, but still about the same as over the last 40 years. What changed? COYOTES! More of them than ever before. TOO MANY! I wish I had never seen one at this point. I prefer my old red and grey fox. Where are the groundhogs? In the last 15 years, I have seen exactly....ONE! Too many coyotes! PLEASE let us keep a

viable market for the coyote. If there is no market, then there will be little trapping of them, and you all can kiss your small game goodbye as they (coyotes) are already hammering that resource as well. It will only get worse. So let Indiana trappers and hunters keep, kill, them year round. The coyote does not need protecting. Research has shown you can kill 75% each year, and populations will remain stable.

Here in AZ we lost trapping in 1994. Guess what? Over run with coyotes, and little if any small game to be found, plus each breeding pair of coyotes will kill 4-8 deer fawns each spring to feed their pups. We now have few mule deer here as well. Game And Fish did a study and found this to be the case.....too many coyotes. Please follow IC code set about in 1991, to control coyotes in Indiana.

David Hanna, South Bend, IN

I am writing in support of regulations stopping coyote sales to out-of-state purchasers for the inhumane purpose of penning.

Lisa Sexton, South Bend, IN

I support the attempt to restrict the exportation of coyotes from Indiana, specifically for blood-sport purposes.

Emily Bastedo, Elmhurst, IL

I was shocked to hear the story about the use of coyotes. What a terrible use of a "natural resource".

Robert J Porter, Dubois County, IN

We have an over population of Coyotes and if live trapping is the only way a trapper can recoup some of their expenses then they should be permitted to do so.

Don W. English Jr., Greene County, IN

Those otter scrubbing tree hugging hippy freaks need to find a hobby. My woods is so full of coyotes it isn't even funny. They are really killing off the rabbit population bad.

DeWayne T. Doty, Pulaski County, IN

I believe Indiana is making a large mistake when they want to stop the live market trade of coyotes. Please stop to think of the large increase of coyotes that will destroy pets and wildlife in our state. At the levels of population that are currently in our state now they already are at a high number and your changes to the law will only help to increase these already large numbers to huge numbers. Please do not change this law.

Merilee Britt, St. Joseph County, IN

I strongly oppose the capture and sale of coyotes, foxes, or any other animal within or without of the state of Indiana for the purpose of "penning" in which wildlife is used to train dogs to hunt and kill. This practice should be deemed illegal as is dog fighting and cockfighting. It is cruel, unnecessary, and barbaric. To label hunting with dogs in this manner as sport is grossly inaccurate. Please do not allow this practice to continue.

William Fisher, St. Joseph County, IN

I am in support of the following regulation banning the sale of coyotes and or foxes across the state lines for cruel blood sports by some very stupid people.

Melissa M Foreman, Clarksville, IN

Please stop the sale and possession of coyotes. Pass the rule Isa #07-749. Thank you for doing your best to save our world and all that is in it.

Marjorie Kinsey, South Bend, IN

I appreciate your paying attention to the sale of coyotes for dog baiting and hope that you make it illegal. It's not crying over coyotes. It's considering the effect of such blood sport on the character of those who watch. Please do all you can to discourage it.

Gary Mills, Minnesota Fur Harvesters Association, Byron, MN

I have concerns about the recent rule amendments and would ask that they get reversed back to original form. We as a nation are beginning and are struggling with an over abundance of coyotes and this is one of the best control possible.

Carol A. Sowle, Indianapolis, IN

I am opposed to using coyotes as live bait to train dogs. Therefore, I support the proposed regulation that would barr trappers from selling coyotes to out-of-state buyers in the off season.

Steve Stohry, Shelby, IN

I am for the sale of live coyotes and the taking of coyotes year round. I believe this issue will be detrimental long term if passed.

Carolyn Williams, Indianapolis, IN

Please bar trappers from selling live coyotes to out of state buyers. Running pens should be illegal in all states. These animals, if necessary, should be put to sleep humanely.

Tim Behle, McNeal County, AZ

Please leave the coyote rules as they are. These proposed changes will ruin the good and proven management practices already in effect.

Daniel Vaughan, Greene County, IN

I support not only an out-of-season ban, but a year-round ban on the sale & possession of live coyotes and foxes for the purpose of dog training. Trapping itself is inhumane (and excuseable only when necessary for sustenance), but this technique of dog training does smack of animal cruelty and could be viewed as criminal. It is worse than dog fighting (which is criminal) because of the mis-match.

Thomas E. Geisler, Indiana State Trappers Assn., White County, IN

I think making it illegal to possess & or sell live coyotes out of season is a mistake. The fur market for coyote is terrible & selling live coyote to people who own running pens is just another option for the trapper to make gas money trapping. When you close one window for the trapper it makes it easier to close them all. Trappers are a unique group who do a great service to not only the citizens of Indiana but to the world providing a valuable renewable resource that is used world wide.

Janice Smith, Mishawaka, IN

I believe that the sale of live coyotes should not be allowed at all, especially to involve them in the glorified dog fighting down south. How awful and inhumane this is. Please put a stop to this. These beautiful animals should be allowed to live free and not become entertainment for uncaring humans.

Martin F. Jarrold, Bloomington, IN

I am writing to you about the rule change to stop coyotes being trapped and sent out of state where they are killed in dog running enclosures. I think that this practice is an outrage. I have coyotes that run through our property all the time. They have never caused us any problems and we have pets which spend their whole time outside. Please stop this disgusting practice.

Ginger Michelle Crevolin, Midwest Predator Hunters, Madera, CA

I appose anyone who takes away the rights of those who hunt. My position is that hunters are responsible game management leaders and therefore, should have the right to control populations. After all the balance of the ecosystem benefits from those who manage the game. Remember that domesticated cats and dogs breed litter after litter and therefore, the population is out of control. This holds true for the wild game of coyotes and various others. In addition, trappers and hunters who harvest for the intent to sell the fur for monetary gain should be allowed to do so at anytime. This too is considered to be a means for supporting families as well as controlling game. There is no difference in harvesting beef, chicken, or pork for profit.

By taking away these small rights could lead to greater scales of injustice for hunters. I and my family oppose these actions. This is the freedom of citizens and was passed down to us from our forefathers and I intend to pass this on to my children. The constitution provides certain balances of freedoms for those who

live in the United States and hunting is one privilege that should be protected not banned. I am not sure why other states would consider coyotes a animal that should be harvested in a season as we do not have a season for coyotes. Populations of coyotes can become out of control in an instant. Those of us who have been in situations where coyotes have hunted our livestock understand the importance of managing the population in season and out. I believe there can be a compromise but not a removal. Thank you for allowing me an opportunity to speak on behalf of all of us who hunt, trap, and protect the ecosystems balance.

Mark Alexander, Arkansas Trappers Association, Sebastian, Arkansas

I support the year round sale and possession of coyotes, dead or alive.

Kevin Dyer, West Lafayette, IN

I think changing the rule is the wrong thing to do. You are going to cause coyotes to become even more of a problem

Julia Robbins, Granger, IN

Please stop the live sale of coyotes from Indiana for the purpose of torturing them through the inhumane game of coyote penning.

Gregory D. Kindig, Indiana Trappers Association, Fulton County, IN

Please do not change the coyote rule as we will be over run with them and they will not be worth enough to trap.

Bill Blount, Marshall County, IN

I think coyotes should be unregulated unless the DNR wants to put a bounty on them.

Steven Roth, Marion County, IN

The DNR should ban selling of coyotes for the use of bait to outside states

Linda Harper, St. Joseph County, IN

I am writing to urge you to adopt the proposed rule to restrict the sale of Indiana coyotes across state lines for use in "coyote penning". I can not believe such a reprehensible practice is legal anywhere in our country, and I hope that Indiana will not continue to participate in it in any way.

Jeremy Newberry, Daviess County, IN

I believe live trapping and the sale of live trapped animals should be legal in Indiana.

Steve Rain, South Bend, IN

I agree with the proposed amendment and also believe that it should be expanded to a year-round rule. Coyote penning for blood sport is barbaric and should be outlawed. Punishment for people who do this should include putting them in a pen and see how they like being torn apart 'til death!

David A. Smith, South Bend, IN

Coyote penning is illegal in Indiana; therefore we should not be aiding those who carry on this disgusting practice. Coyote selling across state lines should be illegal year-round.

Jean Morris, Granger, IN

The sale of coyotes across state lines for use in coyote penning or fox penning should be banned. This is a reprehensible practice and the state of Indiana should not be involved in it.

Julie Hyndman, South Bend, IN

Please do not aid in the utter cruel and hateful treatment of coyotes in other states as they are ripped to pieces! It is an outrageous act that I can not understand how it is allowed to continue. Don't let our state be involved in this type of offensive behavior.

Susan Bennett, Morgan County, IN

I oppose the sale of live coyotes to other states.

Catherine Pittman, South Bend, IN

I would like to express my support for the prohibition of selling coyotes across state lines. I am a dog owner, dog lover, and I respect animal's rights. I believe that coyotes are in the same family as my dog, and deserve to be treated with the respect I would expect my dog to be given. Further, I would like the rule to be expanded to apply year round. When coyotes are captured, they should be treated humanely, and if possible relocated to an appropriate environment. If this is not possible, they should be euthanized humanely, not killed in a cruel and barbaric manner.

Eric Allen Kesling, Whitley County, IN

The proposed coyote rule change is the wrong way to go in terms of conservation. Conservation means wise use, eliminating the possibility of live market sales in IN is not wise use of the resource. Live market sales of coyotes during "trapping season" is not financially wise as at that time the market is flooded and little profit can be made. Coyotes sold to pens are an investment and the animals are not killed, they are vaccinated, fed/watered and protected. The DNR showing a picture of dogs killing a coyote pulled from the internet during the Brown County meeting was a shameful display of animal rights tactics and furthermore shows their ignorance for running pens.

Be advised, currently the state of Indiana has free coyote population control through live market trapping (which is far more coyotes than trappers are taking for fur). I live in Whitley County and trap in Whitley County, since the DNR has essentially shut down the live market trade of coyotes I will no longer trap for them. This means that 50+ coyotes in Whitley County will not be taken out of the population each year any longer. With gas prices, time and equipment cost I would be at a financial loss to sell them just for fur. There is plenty of talk about creating jobs in IN, elimination of the live market has destroyed several jobs. You will soon see a spike in coyote population and human/coyote incidents.

Jacqueline Heckaman, St. Joseph County, IN

I think coyote or fox penning (or any other fencing in of animals for such purposes) is an abomination. Restriction of sales of Indiana coyotes across state lines for this use should be prohibited, and the rule should be applied year round.

Harriet Probst, St. Joseph County, IN

I am not in favor of allowing the out of state sale/transport of wild animals.

Janis Juan, St. Joseph County, IN

I am writing to support the proposed regulation of the sale of coyotes and foxes for the purpose of "coyote or fox penning". There is absolutely no reason for this barbaric and inhumane treatment of wildlife. How does this differ from illegal dog fighting? Please stop the cruelty!

Scott Filley, Elkhart, IN

I support this regulation to stop coyote or fox penning. Please stop the sale of live coyotes.

Robert E and Jean A. Spain, St Joseph County, IN; Willeen Weaver, St. Joseph County, IN

In the strongest possible way we would encourage you to pass a rule forbidding the sale of coyotes across the state line where they will be used in a blood sport. Any one who has any sort of moral or ethical code would know this is wrong. Live trapping wild animals for the purpose of relocation is certainly permissible and serves to protect people and the animals. This, we firmly support. "Coyote or fox penning" has no place in an enlightened society which has long since removed itself from the Middle Ages.

Scott Van Jacob, South Bend, IN

I am writing in support of the proposed rule to restrict the sale of Indiana coyotes across state line for use in coyote penning.

Carolyn Q. Bryson, Indianapolis, IN

I support the banning of the selling of live coyotes to be used in training other animals in or out of running pens. Any coyotes taken either in or out of hunting season should be euthanized in a timely manner or if held live to feed for better coats should be euthanized before leaving that property. Although coyotes may be considered "nuisance animals," that does not justify their being used as livebait.

Marlene Sesterhenn, LaPorte, IN

Coyote penning is illegal in Indiana and should be the same for all 50 states. Please do not allow Indiana to have a part in such a reprehensible practice. Allowing dogs to tear apart coyotes and foxes is horrible. Thank you for saying "no" to this proposed rule.

Charles W. Bower, Elkhart, IN

Please do not support any rules that would make the penning of fox or coyotes legal. I thought as humans we had progressed past the days of the Roman circuses.

Nancy Collins, St. Joseph County, IN

I vote no on penning coyote and foxes. That will upset the ballence of nature.

Richard Rateick Jr, South Bend, IN

This barbaric practice and Indiana's complicity in it must end.

Elizabeth Karle, South Bend, IN

This practice is barbaric and wrong. Indiana should have no part in it.

THE FOLLOWING PERSONS FILED THE SAME OR SIMILAR COMMENTS:

Frances Philotoff, St. Joseph County, IN; Gertrude DeWulf, Elkhart County, IN; Dorlyn Steebins, St. Joseph County, IN; Carl Philotoff, St. Joseph County, IN; Dorthey J. Grochowski, St. Joseph County, IN; John Philotoff, St. Joseph County, IN; Dwight Miller, St. Joseph County, IN; Roberta Philotoff, St. Joseph County, IN; Loretta Rodts, St. Joseph County, IN; Kirby Philotoff, St. Joseph County, IN; George Grochowski, St. Joseph County, IN; Salley Miller, St. Joseph Co., IN

Please pass a law to stop sending all coyotes and foxes out of Indiana to be subject to "coyote penning-- animal combat or any type of blood sport".

* * * * *

Randall W. Flanagan, South Bend, IN

Please restrict the the coyote and fox penning. That is an inhumane practice. What to say? The obvious? That the practice of penning then selling coyotes and foxes for sport is beyond belief?

Karen Baierl, South Bend, IN

My son is currently working in Yellowstone Park researching coyotes and we were able to visit this spring. They are beautiful and intelligent animals. They mate and all take care to protect their pups and on one occasion that my son witnessed waited for their leader, who was hit by a car, and then mourned when he eventually died by all howling. Please do whatever it takes to stop the practice of coyote penning in our state and forbid coyotes trapped in other states to be bought here. Let's be a state that protects wildlife!

Beverly Lincoln, South Bend, IN

We outlaw dog fights, cock fights, animal abuse, inhumane killing of beef, chicken, horse, lamb, etc., but you have to think about outlawing cotoyte/fox penning? Or enabling it by providing bait?? Lots of money involved to buy the NRC? If you have to be told that this is wrong, I am sorry for you and all involved. If you need \$\$\$\$ to depopulate coyote and fox ... do it property, morally. I support the proposed regulation preventing the sale of coyote/fox across state lines.

Deborah Shubert, St. Joseph County, IN

I can't even imagine that coyote penning could possibly be legal! Please do not allow animals to be sold for this horrible activity. How can we wonder why there is so much violence in the world when things like this are allowed.

Mark Shubert, St. Joseph County, IN

Please vote to ban the sale of coyotes to help stop this barbaric practice of coyote penning. Let's not allow Indiana to participate in anything this bad.

Mark and Deborah Shubert also commented:

Please restrict Indiana coyotes from being sold across state lines for use in the cruel practice of coyote penning. This is so amoral that it is only reasonable that it would be illegal in all states. The least that we can do is to stop helping to promote this horrible practice.

Emily J. Morris, La Porte County, IN

I am in favor of adopting the rule that restricts the sale of Indiana coyotes across state lines for use in a practice known as coyote penning. It is my understanding that this rule, if adopted, applies to the season outside of the trapping season. This rule should be adopted and then expanded to apply year-round. This is a reprehensible practice and Indiana should have no part of this practice.

Rochelle Hylek, Culver, IN

I recently read an article in the South Bend Tribune regarding the practice of penning in other states. I would like to voice my opinion on this matter as I am a supporter of animal rights. Please consider restricting the sale of coyotes across state lines for use in penning. I support Natural Resource groups and funds and would like Indiana to step up.

Judith Cox, St. Joseph County, IN

Please restrict the sale of Indiana coyotes across state lines year-round. Allowing this is reprehensible and makes coyote penning possible in other states.

Lawrence Cox, South Bend, IN

I strongly oppose allowing coyotes to be sold across state lines at any time of year.

Tina Sanders, South Bend, IN

I support the restriction of Indiana coyotes being sold across state lines. I cannot believe that it was ever allowed! Especially with the knowledge they would be used for the cruel defenseless canned hunt practices. I am ashamed of Indiana if indeed the DNR did so with full knowledge that they would be used for this type of animal cruelty! Please be responsible to our defenseless animals and do the right thing.

Geraldine Ritchhart, South Bend, IN

Please do not allow coyote penning in our state. This is a cruel and inhumane "sport" and does not belong in a civilized society. How can we justify the penned "hunting" and killing of any animal? How can we say this is different from cockfighting or dogfighting? The venue may be larger but the principle is the same! We have a God-given responsibility to care for creatures, not encourage them to destroy one another for sport.

John Gamble, Marshall County, IN

I urge you to ban the sale of live coyotes to out of states for use in "penning". I think this is an inhumane and bad way to treat wildlife.

Deb Pippenger, Marshall County, IN

I am in support of the proposed regulation to stop the sale of live coyotes and foxes by trappers. I believe this is cruel and extremely inhumane treatment for any animals.

Rebecca Zaseck, St. Joseph County, IN

Indiana should not encourage or participate in activities that support the trapping and sale of coyotes - at any time. Penning - in any state - should be illegal. Promoting and cooperating with any penning activity should be illegal.

Janie A Flory, Tippecanoe County, IN

Do not change the present coyote trapping laws. If it is changed, the country will be over run with coyote as trapping will be non-productive. They will become a major pest problem.

Krista Kuskye, St. Joseph County, IN

I feel that they should pass the rule against these hunters.

Barbara Tuley, Nashville, IN

After reading recent newspaper articles about the coyote issue, I'd like to say please don't allow the abuse/mistreatment of coyotes or any animal especially for the sick nature of some people who enjoy killing for pleasure!

Linda Halm, South Bend, IN

It's my understanding that the Indiana Natural Resources Commission may restrict Indiana coyotes from being sold across state lines for use in coyote penning. I support this proposed regulation and consider it a step in the right direction. I wasn't even aware this reprehensible practice existed! I say no to all coyote or fox penning!

Dawn Jamison, Mishawaka, IN

This practice of using coyotes or any another animal is disgusting. We should stop it any any cost not only in our state plus the entire country. Why do some people train dogs to be killers then wonder why they attack people? We just had an incident here in South Bend last week. A dog attacked a child. That dog was not born mean, someone made him that way. There is no good reason why this should continue.

David L Harbaugh, Hamilton County, IN

Using Coyotes for bait and training is cruel and inhumane. I am a hunter so I have no problem with the taking of coyote for pelts and the control of varmit population but the use as live bait is pure torture to the animal and is totally uncalled for and definitely unnecessary.

Melanie Sigler, Clinton County, IN

Coyotes roaming Indiana isn't romantic, they run packs, drag baby goats and sheep off. I have had 8 cats killed by those animals. I have had to run them off the property at night. Hunters have killed around 60 this winter. They multiply just like dogs do. To me they aren't any better than a house full of mice.

Shari Noel Rettig, St. Joseph County, IN

I totally support the rule to restrict the sale of Indiana coyotes across state lines. The rule should be adopted and then expanded to apply year-round. Please keep Indiana out of this inhumane practice.

Michelle Whaley, St. Joseph County, IN

I am completely against sending Indiana coyotes across state lines for coyote penning. What a horrible and inhumane practice. Please do not allow this.

Jamie Diller, South Bend, St. Joseph County, IN

I support the proposed rule to restrict the sale of Indiana coyotes across state lines for use in "coyote/fox penning." In fact the proposed rule should be adopted year-round. Indiana should have no part in such a reprehensible practice - it is a blood sport and Indiana should have no part of it.

Mark Parrella, Morris, NJ

I feel you should rethink what you're about to do and any hunter that supports this issue should give up hunting. If the coyote is so well liked then where did all the fox go.

Patricia Nemeth, Mishawaka, IN and Richard Van Lue, Sr., Mishawaka, IN

We would like to add our support to the proposed regulation stopping the sale of live coyotes and foxes. This is an inhumane practice and should be abolished.

John Raymer, St. Joseph County, IN

I am writing in reference to upcoming legislation in order to help ensure that the Indiana Department of Natural Resources will not allow the penning of coyotes or foxes, a cruel practice.

Thomas Joseph Raymer, St. Joseph County, IN

Like my father, I too condemn any ordinance that would allow the "penning" of coyotes. Please do not allow this to happen in Indiana.

Judith Greenlee, St Joseph County, IN

As a concerned citizen, resident and voter, I am writing to support the proposed regulation of the sale of coyotes and foxes (and any other animal) for the purpose of "coyote or fox penning", to use as a penned-animal trial for so-called sporting dogs. There is absolutely no reason for this barbaric and inhumane treatment of wildlife. The Humane Society of the United States and local Humane Organizations all disapprove of this and related activities and support stopping it immediately. Please pass the ruling and support it with money needed for legal enforcement measures. Thank You for doing your part to stop this cruelty!

Cheri Lundstrom, LaPorte County, IN

Don't we as Indiana citizens have enough trouble with image in this country? Our state capital graduates fewer than 31% of its high school students. We elected a governor who illegally sold our toll road to a foreign company. Our test scores are dismal. Our jobless and underemployment rates are matching our crime rates which are bad. Our prison system is antiquated and does nothing to rehabilitate. And now someone is possibly considering the sale of our coyotes to southern states for penning? Please leave us some dignity.

Rex Helton, Indiana Animal Damage Control Association, Fort Wayne, IN

The members of the Indiana Animal Damage Control Association are greatly concerned with animal welfare as we are involved with this issue daily. It has been brought to our attention that the IDNR has concerns about the end use of Coyotes taken live during the period of 16 Mar to 14 Oct end year. The main issue seems to be the misuses of Live Coyotes in a few established dog-training enclosures in other states. We thank the IDNR for bringing this issue to our attention and understand the intent of the proposed rule changes where to address this issue and do whatever possible to help with a solution. We are deeply disappointed at the resulting conflicts between sportsman group, conservation groups, wildlife welfare advocates and the Wildlife Damage Management Industry and their relationships with the IDNR. In Indiana, we have enjoyed a sound working relationship with the IDNR. We have not always agreed and have never completely agreed on any issue, however through open communication we have always been able to find a solution that was in the best interest of wildlife management. We sincerely hope this will be the case this time as well.

We have researched and evaluated this issue very thoroughly and find that we agree that the sale of live animals needs to be closely monitored and have a level of oversight appropriate to the activity. We have also found that this level of oversight is accomplished currently with the Wild animal Procession Permits, Wildlife Breeders permit and the Fur buyers permit. All of these permits are issued for different purposes and all have appropriate oversight for intended purposes. It has been proven a successful means of recording, collecting and documenting the activity associated with the sale of wildlife, transfer and possession of wildlife. Requiring and utilizing this established permit system to better manage the welfare of our valuable resources makes perfect sense.

Where as the originally proposed regulation changes encourage a wonton waste result, we reject any and all regulation that would possibly give the impression or suggestion that wildlife should be considered and reduced to being treated as waste products to be destroyed and discarded.

We are proud to recommend that Coyotes taken by legal means may be used as provided for in law and during the period of 16 Mar to 14 Oct the possession and sale of live Coyotes be further regulated under the previously mentioned permit systems in addition to the requirements of a Trapping license. Our recommendation would give the IDNR the ability to have effective regulatory oversight and provide for appropriate record keeping aiding law enforcement with the ability to enforce animal welfare concerns that our organization demands.

For All the reasons stated above our organization recommends:

312 IAC 9-3-12 Foxes, Coyotes, and Skunks

(d) A person who possesses land, or another person designated in writing by that person, may take coyotes on that land at any time.

312 IAC 9-3-14.5 Possession of Furbearing Mammals

Authority: IC 14-22-2-6, IC 14-10-2-4

Affected: IC 14-22

(a) A person must not possess the unprocessed carcass of any of the following species that have been lawfully taken for more than 20 days after the close of the hunting or trapping season:

- (1) red fox (*Vulpes vulpes*),
- (2) gray fox (*Urocyon cinereoargenteus*);
- (3) striped skunk (*Mephitis mephitis*);
- (4) beaver (*Castor canadensis*);
- (5) mink (*Mustela vison*);
- (6) muskrat (*Ondatra zibethicus*);
- (7) Long-tailed weasel (*Mustela frenata*);
- (8) Virginia opossum (*Didelphis marsupialis*), and
- (9) raccoon (*Procyon lotor*).
- (10) Coyote (*Canis latrans*)

(b) A person must not possess a live furbearing mammal listed in subsection a outside of the hunting or trapping season except if otherwise authorized under this article.

(c) A coyote taken under 312 IAC 9-3-12 (d) from March 16 through October 14 must be:

(1) euthanized within forty-eight (48) hours of capture; or

(2) Transferred within 48 hours to a person holding a game breeder's permit, fur buyer's license or other live animal possession permit.

John Hammann, Hendricks County, IN

With all the problems this state faces (education, loss of jobs, etc.) I would think the coyotes are the least of your concern. Perhaps improved control of urban sprawl would be in the best interest of Indiana.

Merrus Irwin, South Bend, IN

Rule against the inhumane practice of penning coyotes and foxes. This should be punishable by imprisonment for years. How would you like to be a helpless animal in the same situation?

Paula W. Sunderman and Marilyn Norris, Bloomington, IN

We wish to object to the proposed LSA #07-749 as it is cruel to coyotes, foxes and other animals, does not solve any problems of wildlife control, and can lead to tragic consequences for coyotes, foxes, etc. if this is implemented. We wish to go on record with our objections.

Robert F Kistner, Mishawaka, IN

I read in the May 1 edition of the South Bend Tribune of a blood sport misleadingly referred to as "coyote or fox penning". These animals are trapped to be released inside a fenced enclosure where they are then cornered, caught and torn apart by dogs. The "sport" involves betting on the dogs' ability to dispatch the unfortunate animals, that have no place to run or hide. Indiana trappers contribute to this practice by selling live coyotes to out-of-state residents who engage in this cruelty. I understand that the Indiana Natural Resources Commission is considering stopping the live sale of these animals during part of the year. I urge expansion of this ruling to stop the penning and sale operations altogether.

I am well aware that the proliferation of coyotes is a problem in that as their numbers increase so does the threat to farm fowl and small animals as well as domestic pets, not to mention the transmission of certain diseases, including rabies. I have little objection to farmers and others defending their stock and small animals against these ravenous critters provided it is done as quickly and as humanely as possible. The animals are not to blame for their instincts and should not be made to suffer unduly as they do with the inhumane "penning" operations.

Barbara Schalliol, Granger, IN

I understand that you are collecting comments related to restricting the sale of coyotes across state lines for use in coyote/fox penning. I would certainly hope we Hoosiers are not selling wildlife for training, sporting, or profit. Our wildlife is just that: wild life. If we feel there is not room for native species other than our own homo sapiens, I would hope the offending extras would be euthanized humanely rather than be turned for profit in what might be essentially the same as 16th century English bear-baiting.

I am so disappointed that a governmental agency would be considering such a sale. As a 34-year veteran high school and college educator, I am reminded daily of the lack of concern many people have for each other, their property, and the world around us. Cruelty and waste are everywhere. People--and not just kids--need to be taught to be caring and compassionate, to be concerned for their neighbors and the planet (and its life forms) we share. When we allow cruelty and inhumanity on the one hand, we cannot expect people to parcel their feelings and turn around to be compassionate on the other. Life doesn't work that way. Our country, our children and our adults are experiencing tremendous cultural shifts. It's imperative we hang onto decent, humane behavior and demand it of those around us. Trapping and selling coyotes is out of line: it sets a bad example and promotes cruelty. You don't have to love coyotes to know it's wrong. You do have to care about the state that we live in to make sure Hoosiers are not a part of this practice. Please shut it down.

Robert Bender, Henderson, NV

I believe that this proposed rule change is unnecessary.

April Pulley Sayre and Jeff Sayre, South Bend, IN

We are opposed to the barbaric practice of coyote/fox penning. It serves no useful modern purpose and it does not help conserve our natural resources in any conceivable way. Please make sure Indiana does not make this legal in this state.

THE FOLLOWING PERSONS FILED THE SAME OR SIMILAR COMMENTS:

Matt McKenna, Porter County, IN; Mary Kate Route, Porter County, IN

We are disgusted that Indiana allows the sale of live animals such as coyotes for use in dog penning operations. This must stop immediately. The DNR should prosecute these activities to the fullest.

* * * * *

Sharon Leahy, South Bend, IN

This blood "sport" of having packs of dogs hunt and kill a live, trapped wild coyote which cannot escape the pen is equivalent to--if not worse than--dog fighting. At least in illegal dog fights, the match-up is fair in terms of numbers. In coyote or fox penning, it is one poor scared animal without a chance against a pack

of dogs. How can we allow our Indiana coyotes to be sentenced to such a cruel fate? I am sure that, similar to dog fights, not only is the coyote torn apart but also some of the dogs get injured. Please, outlaw the practice of anyone's selling Indiana coyotes for this purpose; begin with the proposed law which will prevent this during part of the year and save at least some animals from this cruel fate.

Brian Smith, Madison County, IN

Do away with ALL fenced type hunts! This isn't fair chase or sporting or else legalize dog-fighting (not endorsing that, justmaking a point).

Karin McKenna, Porter County, IN

I support the IDNR in banning the sale of any and all wildlife trapped to sell to penning operations. This is immoral and disgusting. Penning operations have become more than training facilities for dogs to tear wildlife apart. They are now full fledged entertainment centers in themselves. The dogs are bred and exchanged like cookies in an elementary school. Yours doesn't kill foxes? Hey, try this one. Mine does a great job tearing up yotes. These "sports people" lust after the blood and guts of the animal fighting. Prize killer dogs are of value. The others are abandoned, dumped at shelters or worse. Shelters are flooded with these cast off dogs - most of which are unable to adjust to domestic, "normal" homes and are euthanized at taxpayer expense. The argument that Hoosier wildlife "belongs to" the trapper to do with as he/she desires is ridiculous. If a Hoosier supports himself selling wildlife to be shredded at out of state penning operations, I would suggest getting a diploma or investing their time in skills training. If they are doing it for "fun", I suggest a psychological evaluation.

The public is disgusted at the "outing" of this new, fun, trapping recreation. This should be banned not only for six months of the year - but a full twelve months. We do not "outlaw" molestation, arson, and wife beating for six months and then "allow" it for the other six, do we? If it is immoral and disgusting for six months, it is immoral and disgusting for twelve months. The conservation officers who have been supporting these wildlife sellers should be held accountable as well. It is time the good old boys club stops covering for the atrocious behavior of bad sportsmen. If a sportsman or conservation officer claims to have ethics, speak out against this travesty or be complicit. It's your conscience. What would Jesus do - be a live bait trapper? Would Jesus enjoy watching coyotes, foxes and other animals be torn apart for "fun?" I doubt it.

Charles Sproull, Mishawaka, IN

I do not feel it is right to train hunting dogs using live animals such as foxes and coyotes. To me, it is the same as dog fighting. It cruel and inhuman treatment to these animals. Please end this practice and find other, more acceptable, ways to train hunting dogs.

Victoria Kage, LaPorte, IN

I would like to offer my opinion on the sale of coyotes for the purpose of live bait in dog training and penned hunts: Indiana should not allow trapped coyotes to be sold to other states for live bait. Why do we want to take the leap backwards to the Dark Ages to allow barbaric animal practices and to promote greedy monetary gain for the trappers? Do the human and animal health risks warrant concern and our protection from the coyote crossing of state lines? Please stop the practice of catching/selling coyotes year-round.

Kenneth Gudino, Laporte County, IN

Indiana coyotes should be protected by the DNR from the sale for live-bait purposes. This is a cruel and unworthy practice without merit to humans or animals except for financial gain and promotes disease issues. This practice must be stopped completely--not just outside the trapping season.

Douglas Streich, St. Joseph County, IN

Our local South Bend paper recently printed an article about "coyote penning." If this story is true - that these animals are subjected to a horrible death by hunting dogs - the practice should be stopped immediately. I would ask that Indiana stop shipping coyotes to states known to practice coyote penning.

John W. Montgomery, Culver, IN

I do want to restrict the sale of foxes & coyotes during the entire year. I believe even though some animals are a little "Pesty" they should be put in that type of an arena.

THE FOLLOWING PERSONS FILED THE SAME OR SIMILAR COMMENTS:

Mary Alice Chmielowiec, South Bend, IN, Therese Blacketor, South Bend, IN; Gary Blacketor, South Bend, IN; Harriet Klawinski, South Bend, IN;

Please protect the coyotes & foxes! Support the proposed restrictions on coyote penning to end this cruel and horrible sport!

* * * * *

Rebecca Wainwright, Mishawaka, IN

I oppose the practice of coyote trapping, selling and penning and support legislation prohibiting the sale of coyotes for this or any other purpose, year-round. This practice is an inhumane treatment of wildlife and should not be supported by our state government.

Dark Rain Thom, Owen County, IN

Indiana is proposing changes to their rules about killing coyotes. The reasons while they should reasonable are not reasonable. Half breed Coy-DOGS are the ones that attack large prey. NOT pure coyotes. We had a self domesticated female coyote as a pet for 11 years. She was an ideal part of our family and much less trouble than the family dog. She was aggressive towards raccoons, nothing else. She did like to eat small game and she didn't like the moles and underground creatures that were in our yard so she dug them up and broke their necks with a single swing of her head. Then she wiped her mouth on the ground to get their taste out of her mouth. She gave a brief warning when strangers came but there was no constant howling or barking. When wet she smelled like a fresh mown meadow. She came inside during dreadful icy weather and never ever made a mess in the house. Would that our family dogs had her disposition and ethics? Think of the rodent control these creatures serve us. What do you intend to have replace the coyote who eats more rodents than any other creature? They will harm a large animal, with a pack only an animal that is sick inside or bloody as when they are born. When is so called civilized man going to quit senseless killings? Keep the coyote safe from harm. Keep some balance in the outside world. We need predator animals.

Larry Gillen, Marengo, IN

Please ban wildlife penning. It is unbelievably cruel. Wildlife penning is equivalent to the sport enjoyed by Michael Vick. Michael Vick is in jail for participating in that so called sport. Ban wildlife penning.

Christopher F. Sayre, Mishawaka, IN

I support this amendment and any subsequent ones that will help prevent coyote or fox penning. In general, I would support any rule or law that would prohibit the inhumane treatment of animals or forbid the commercial use of wildlife. I regard this as an important statement of the values of our society.

Marge Berkheiser, Mishawaka, IN

What a stupid thing to do. All wildlife has the right to live and "penning" is cruel. Let dogs learn how to hunt by some other method. This practice is no different than dog fighting. What is even worse is selling these animals for the purpose of making a profit from their suffering. If this is what the NRC commission is doing, they need new management by people with some compassion.

Scott McKnight, Lakeville, IN

In this day and age, how can we possibly continue to allow this kind of barbarism? The men who do this or allow it to happen are heinous criminals. Please stop any consideration to allow this to happen.

Carolyn Colwell, St Joseph County, IN

I am writing to protest the sale of Indiana coyotes across state lines for use in coyote penning. Please end this cruel practice.

Gregory Foote, Indianapolis, IN

Please stop cruelty to animals and the degrading killing of coyotes. You can do it.

Herman Wulliman, Elkhart, IN

If dog fighting is illegal, using coyotes and foxes as surrogates for the barbaric practice of prey for packs of dogs should be too. It's the 21st century, bring Indiana into it!

Mary DeWitt, St. Joseph County, IN

Please DO restrict the sale of Indiana coyotes and foxes across state lines, especially when they might be cruelly killed in what is known as "coyote penning" or "fox penning! This rule should apply outside the trapping season, and in fact the rule should be adopted and then expanded to apply year-round. Indiana should have no part in animal cruelty of any kind.

Katherine Ketterman, St. Joseph County, IN

I read the recent article in the South Bend Tribune regarding coyote and fox penning. I have to express my disgust for this horrific practice. I am a resident of St. Joseph County and cannot believe that this is allowed in any state. The fact that animals would be trapped in a pen only to be torn apart by hunting dogs is disgusting and cruel and I find absolutely no reason for this awful behavior or those who allow this to be done. I express my utmost disgust for this practice and hope that the INRC is able to enforce the law of not allowing sales of Indiana coyotes for the use of "coyote penning."

Carolyn Pennington, Greenwood, IN

The sale or trading of coyotes should be banned. Selling live coyotes to out of state buyers who turn dogs loose on them is disgusting and cruel.

Linda K. Cooper, Jeffersonville, IN

I totally support this rule amendment as it is inhumane to use coyotes as live bait for training dogs. Please protect our wildlife!

Lisbeth Lannuier, South Bend, IN

I strongly support the measure restricting Indian coyotes from being sold across state lines for "penning". This is absolutely barbaric. And teaching dogs to kill other animals is pretty barbaric too. Please do pass this measure. Do not allow these animals to be treated this way.

Lynn Patrick, South Bend, IN

I strongly oppose any trade in live coyotes, foxes, or any other animal, for the purpose of penned hunting. The capture of wild animals for the purposes of penned hunts is not sportsmanlike, not humane, and not good as far as setting an example for children. It shows tremendous disrespect to the coyote or fox, taking away their traditional means of eluding capture, and putting them in an environment guaranteeing execution. We have authority over the planet and the animals. When man degrades the animals, he also degrades himself.

I was raised to hunt for food - not for sport. I am not a bleeding heart. As a former DNR employee I worked at Potato Creek State Park when we had our first deer hunts. The deer hunts were to reduce the number of deer which had overpopulated the park and were decimating the forage. When I worked at Bodine Fish Hatchery I assisted with the salmonid program, including fish capture, exams, and egg harvesting. Hunting and natural resource management are good practices. But I would never condone, support, or participate in a fenced hunt. Indiana should be working to stop this practice by outlawing the capture and shipment of animals for this purpose.

Lynda Smith, Benton County, IN

Please stop the unnecessary cruelty to these animals. They feel pain and terror just like you and I would. Or envision your pet dog being treated in such a way - Please stop this cruel practice.

Amy K. Shirk, St. Joseph County, IN

Please do not allow Indiana to take part in such a horrifying practice. It is appalling to me that anyone could condone such a barbaric practice and I ask, as a resident of Indiana, that the DNR ensures that our state has no part in it.

Denise Dillman, St. Joseph County, IN

My email is in response to the article in the South Bend Tribune on Saturday, May 3 regarding the reprehensible practice of the sale of Indiana coyotes across state lines for use in what is known as "coyote penning" or "fox penning." Indiana should not condone or promote any form of animal combat. I understand there is a need for INRC to hear from the citizens of Indiana on this subject and want to ensure you receive my heartfelt humane opinion in this matter.

Christine J. Fox, Mishawaka, IN.

I strongly urge the INRC to adopt this anti-coyote penning rule and, if possible, expand it to a year-long rule. A practice that is deemed unethical in our own state should not be literally transported to another.

Frak Drumwright, Marion, IN

With all the studies that link cruelty to animals and domestic violence, I think any law that prohibits people from selling mammals that will be used for live bait or training other animals to kill is a good thing. We need to regulate animal sales much better in general. This law should specifically address the practice of selling animals to be killed by other animals. We don't allow dog fighting and a coyote biologically is from the same species as a dog. Logically whether a wolf, coyote or a dog, they should not be sold for fighting or any other cruel Blood Sport.

Kelly R. Hennings, Porter County, IN

I am against coyote penning. This is very, very wrong and it should be illegal throughout the entire United States. If there is anything I can do to make sure that this rule goes into effect where it is unlawful to pen coyotes, please contact me.

Rock Emmert, Ferdinand, IN

I advocate doing everything possible to protect the wildlife. As the wildlife and their habitat are diminished, so are we humans.

Laura Lavanture, Elkhart County, IN

The idea of coyote penning is absolutely barbaric. No coyote penning!

Al Heet, South Bend, IN

I am against trapping coyotes or foxes being caught, put in a fenced area for "hunting dog" training. Hunters that do this kind of activity are not true sportsman.

Jeanne Martin, Granger, IN

I just wanted to write in support of the proposal regulation restricting Indiana coyotes from being sold across state lines for use in "coyote or fox penning". It's an atrocious practice and needs to be stopped year-round! I honestly can't imagine how frightening it must be for the animals, not to mention excruciatingly painful. Please do all you can to outlaw this insane practice altogether, and encourage other states to do the same. I will do whatever I can to help. Just let me know what that is. And thanks for what you are doing for these innocent animals.

Barbara Lutes, South Bend, IN

Chris Smith from the Department of Natural Resources forwarded an email indicating that telephoned DNR Director Robert Carter to indicate that "she wanted to be on record as in favor of the coyote rule and didn't have internet at home."

David Ellis, Hobart, IN

I support the rule change to better protect coyotes from cruel practices allowing them to be sold as live bait. Please change the rule so the coyote is not exposed to these inhumane practices.

Susan Glass, St. Joseph County, IN

I am writing to state my strong opposition to the practice of selling coyotes for penning. This is cruel and unnecessary.

Corbin Baird, Bloomington, IN

I think it is time that we put this sad and outdated practice to rest. Coyotes were never a major reason for livestock loss and now even less. I feel it is time to let the Coyote be and allow the wild places, what little we have left in Indiana be as they should be. Please stop this practice that is cruel and not supported by good science or good common sense.

Patricia Bock, Brown County, IN

I am completely opposed to the suffering and eventual death that these coyotes are subjected to! Please vote to end this suffering. This is a barbaric practice!

James and Janet Ault, Bloomington, IN

We support a rule of a year-round ban on the live sale of trapped coyotes and foxes. Indiana should stop being a major supplier for trapping and transporting live and/or injured animals for the so-called sport of killing tame, injured and penned animals. This practice is cruel and has no place in a civilized society. The citizens of Indiana would be proud of the Natural Resources Commission's vote in favor of a year-round ban on the live sale of coyotes and foxes.

Mark A. Sanders, Knox County, IN

Should be able to hunt and trap coyotes and possess and sell coyotes, dead or alive, year-round.

M.J. Piercefield, Bartholomew County, IN

I am opposed to any unnecessary practices that are cruel & I welcome the bill banning sale or trade of coyotes in the off-season (or any other season for that matter). Obviously, I am not a hunter!

John S. Pennington, Johnson County, IN

I do not support the selling of coyotes, out of state, to be used in running pens where dogs are turned loose on them. I support the new proposed regulation requiring anyone catching coyote in the off season to euthanize the animal within 24 hours and banning the sale or trading of coyotes.

Margaret C. Vespo, Indianapolis, IN

After reading about the proposed legislation in the Indpls. Star, I heartily support the legislation and recommend passage.

Ruth Ann Ingraham, Marion, IN

I believe that we should bar trappers from selling live coyotes to out-of-state buyers who then turn dogs loose on them. The sale or trading of coyotes should be banned.

Tim Maloney, Senior Policy Director, Hoosier Environmental Council, Indianapolis, IN

The Hoosier Environmental Council supports the proposed rule amendments to restrict the possession of and prohibit the sale of live coyotes. We support the rule change for the following reasons:

Indiana's wild animals are a public resource that belongs to all Indiana citizens. Trapping coyotes for live resale to others turns these animals into a private commodity, a practice contrary to American wildlife conservation principles;

Adequate and appropriate provisions would remain in Indiana statutes and rules to allow for responsible trapping and hunting of coyotes, and to allow landowners to eliminate nuisance coyotes;

The possible exportation of live coyotes to other states for questionable or illegal animal training practices creates an enforcement problem for other states that Indiana should seek to prevent.

This rule change represents responsible wildlife conservation. We urge the Natural Resources Commission to adopt it.

Rochelle Banziger, Nashville, IN

I cannot believe what I have read! Mankind is an oxymoron, it would appear mostly moron. How can anyone let this happen? Where are you all when something needs you? Men are vicious and crazy to do such a thing to anything. Look at society and see it's reflection in this outrage. Animals, children and woman. Whatever they can get their dirty hands on. I would never do such an unthinkable vicious act upon them for being what they were born to be. They deserve their lives just as you and I, without cruelty. Also the rabbits and whatever men can unfairly use for their pleasure. Do they call this sport? How much different dog fighting? Those southern gentlemen are cruel! And why have you not put a stop to the caged deer slaughter? Only the rich can pretend they are so-called sportmen. Too much money and politics involved? Real men are kind.

As far as training, I have five dogs and do not tell me they have to be taught to kill. I know about dogs. Real men don't do such things or allow it to happen. If I had the \$200.00 I would buy them and let them be.

The Indiana Wildlife Federation, Zionsville, IN

Submitted a Petition signed by 637 individuals, which states "I support the DNR rule to ban the sale of live coyotes." The petition is not being set forth here in its entirety but is maintained in the official record.

James Cole, Mishawaka, IN

Please don't sell coyotes or any other animal to be put in coyote or fox penning. How would you like having that done to you?

Albert Brethauer, Indianapolis, IN

I am writing you to show my support for the regulation to stop the sale of live coyotes, or any other animal. I am a hunter and a lifelong endowment member of the National Rifle Association, but I also support humane treatment of all creatures.

Christina Glasscock, Indianapolis, IN

I am writing to you because I choose not to have a computer. First of all, thank you for asking for people's opinions and boy do I have one! Your article in Sunday's paper was one of the most barbaric things I've ever come across, where is the humane society in all this? Why on earth would anyone need to train a dog to kill in the first place? The greed for money certainly perpetuates evil in countless ways. It's beyond my comprehension why anyone would want to deliberately cause terror to an animal (coyote) who couldn't defend itself. Put yourself in its place. The ones who should probably be held accountable are developers, destroying wildlife habitat, etc. I grew up on a small farm and still live here (59 years). My father was a doctor who loved animals and taught us to care and respect all life. I believe in euthanasia but not suffering. Also, what a crime to take a dog and turn it into a killing machine. Shame on the ignorant who do this! Please defend those who can't defend themselves. P.S. We have more trouble with red-tailed hawks getting our chickens than any trouble with coyotes.

Carol Hesch, South Bend, IN

I am writing to voice my support of restrictions on coyotes being sold across state lines for "penning". This world is violent and hurtful enough. Please do your part to ensure the safety and well being of those who can not speak for themselves. Please do the humane thing.

Anne Sterling, Humane Society of the United States, Bloomington, IN

Ms. Sterling offered comments on December 20, 2007 and on May 2, 2008, both of which included attached documents that she wished to have included within the official record. These written comments and attached documents are included in the Hearing Officer's Report as Exhibit A and Exhibit D.

Hope Ryden, New York, NY

Ms. Ryden offered a two-page comment that has been attached to the Hearing Officer's Report as Exhibit C.

Diane Heldman, Brownsburg, IN

Ms. Heldman submitted a ten page Petition in support of the proposed rule. Because many of the Petition's signatories commented individually within that Petition, it has been included in the Hearing Officer's Report as Exhibit B.

Casey Pheiffer, The Humane Society of the United States

Please accept the enclosed DVD* for inclusion in the public comment record on the proposed coyote rule to amend 312 IAC 9-3-12 to prohibit the sale and possession of coyotes taken outside the hunting and trapping season, and to amend 312 IAC 9-3-14.5, which governs the taking and possession of coyotes to allow untanned hides and carcasses of coyotes to be possessed for no more than 20 days after the close of the season.

*Note: Mr. Pheiffer accepted the hearing officer's invitation to provide multiple copies of the DVD, which were forwarded to each individual NRC member. The DVD was also available for viewing before the commencement of the July 2008 NRC meeting.

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TITLE 312 NATURAL RESOURCES COMMISSION

Final Rule
LSA Document #07-749(F)

DIGEST

Amends **312 IAC 9-3-12** to prohibit the sale and possession of coyotes taken outside the hunting and trapping season. Effective 30 days after filing with the Publisher.

312 IAC 9-3-12

SECTION 1. **312 IAC 9-3-12** IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-3-12 **Foxes, coyotes, and skunks**

Authority: **IC 14-10-2-4; IC 14-22-2-6**
Affected: **IC 14-22**

Sec. 12. (a) The season for hunting:

- (1) red foxes (*Vulpes vulpes*); and
 - (2) gray foxes (*Urocyon cinereoargenteus*);
- is from noon on October 15 until noon on February 28 of the following year.

(b) The season for trapping:

- (1) red foxes (*Vulpes vulpes*); and
 - (2) gray foxes (*Urocyon cinereoargenteus*);
- is from 8 a.m. on October 15 until noon on January 31 of the following year.

(c) Except as provided in subsection (d), the season for:

- (1) hunting:
 - (A) coyotes (*Canis latrans*); and
 - (B) striped skunks (*Mephitis mephitis*);is from noon on October 15 until noon on March 15 of the following year; and
- (2) trapping:
 - (A) coyotes (*Canis latrans*); and
 - (B) striped skunks (*Mephitis mephitis*);is from 8 a.m. on October 15 until noon on March 15 of the following year.

~~A coyote must not be possessed from April 5 through October 14 except to provide for its prompt disposal.~~

(d) A person who possesses land, or another person designated in writing by that person, may take coyotes on that land at any time. A coyote taken under this subsection from March 16 through October 14:

- (1) must be euthanized within twenty-four (24) hours of capture; and
- (2) shall not be:
 - (A) possessed for more than twenty-four (24) hours;
 - (B) sold;
 - (C) traded;
 - (D) bartered; or
 - (E) gifted.

(Natural Resources Commission; 312 IAC 9-3-12; filed May 12, 1997, 10:00 a.m.: 20 IR 2706; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Sep 23, 2004, 3:00 p.m.: 28 IR 539; filed Jun 23, 2006, 2:24 p.m.: 20060719-IR-312050214FRA; filed Apr 4, 2008, 2:56 p.m.: 20080430-IR-312070659FRA; filed Jul 31, 2008, 4:06 p.m.: 20080827-IR-312070749FRA)

TITLE 312 NATURAL RESOURCES COMMISSION

Agency Correction

LSA Document #08-832(AC)

Under IC 4-22-2-38, corrects the following typographical, clerical, or spelling errors in the Indiana Administrative Code:

In 312 IAC 9-3-12(d), in the second sentence, after "A" insert "live".

Filed with Publisher: October 30, 2008, 10:56 a.m.

Under IC 4-22-2-38(g)(2), this correction takes effect 45 days from the date and time filed with the Publisher.